

# **EXHIBIT 1**

## **WASHINGTON'S PUBLIC INFORMATION INMATE DATA**

WXRAR \* PUBLIC INFORMATION \* 02-07-2021  
PAGE 001 \* INMATE DATA \* 15:03:22  
AS OF 02-07-2021

REGNO.: 34481-037 NAME: WASHINGTON, KEITH HARRY

RESP OF: CSC  
PHONE.: 916-930-2010 FAX: 916-930-2008  
RACE/SEX...: BLACK / MALE  
AGE: 52  
PROJ REL MT: GOOD CONDUCT TIME RELEASE PAR ELIG DT: N/A  
PROJ REL DT: 06-13-2021 PAR HEAR DT:

G0002 MORE PAGES TO FOLLOW . . .

WXRAR \* PUBLIC INFORMATION \* 02-07-2021  
PAGE 002 \* INMATE DATA \* 15:03:22  
AS OF 02-07-2021

REGNO.: 34481-037 NAME: WASHINGTON, KEITH HARRY

RESP OF: CSC  
PHONE.: 916-930-2010 FAX: 916-930-2008  
HOME DETENTION ELIGIBILITY DATE: 04-02-2021

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 06-13-2021 VIA GCT REL

-----COURT JUDGMENT/WARRANT NO: 040 -----

COURT OF JURISDICTION.....: TEXAS, SOUTHERN DISTRICT  
DOCKET NUMBER.....: 4:05CR00303-001  
JUDGE.....: HUGHES  
DATE SENTENCED/PROBATION IMPOSED: 11-28-2005  
DATE SUPERVISION REVOKED.....: 12-21-2010  
TYPE OF SUPERVISION REVOKED.....: REG  
DATE COMMITTED.....: 09-04-2019  
HOW COMMITTED.....: COMMIT OF SUPERVISED REL VIOL  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION....: PROPERTY: NO SERVICES: NO AMOUNT: \$1,700.00

-----COURT OBLIGATION NO: 010 -----  
OFFENSE CODE....: 551 18:2113 ROBBERY BANK  
OFF/CHG: 18 U.S.C. 2113(A) BANK ROBBERY CT 1

SENTENCE PROCEDURE.....: SUPERVISED RELEASE VIOLATION PLRA  
SENTENCE IMPOSED/TIME TO SERVE.: 24 MONTHS  
DATE OF OFFENSE.....: 01-10-2005

WXRAR \* PUBLIC INFORMATION \* 02-07-2021  
PAGE 003 \* INMATE DATA \* 15:03:22  
AS OF 02-07-2021

REGNO.: 34481-037 NAME: WASHINGTON, KEITH HARRY

RESP OF: CSC  
PHONE.: 916-930-2010 FAX: 916-930-2008  
-----CURRENT COMPUTATION NO: 030 -----

COMPUTATION 030 WAS LAST UPDATED ON 01-15-2021 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 10-22-2019 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 030: 040 010

DATE COMPUTATION BEGAN.....: 08-23-2019  
TOTAL TERM IN EFFECT.....: 24 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 2 YEARS  
EARLIEST DATE OF OFFENSE.....: 01-10-2005

JAIL CREDIT.....: FROM DATE THRU DATE  
12-07-2004 12-09-2004

TOTAL PRIOR CREDIT TIME.....: 3  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED..: 67  
TOTAL GCT EARNED.....: 27  
STATUTORY RELEASE DATE PROJECTED: 06-13-2021  
ELDERLY OFFENDER TWO THIRDS DATE: 12-19-2020  
EXPIRATION FULL TERM DATE.....: 08-19-2021  
TIME SERVED.....: 1 YEARS 5 MONTHS 19 DAYS  
PERCENTAGE OF FULL TERM SERVED..: 73.5  
PERCENT OF STATUTORY TERM SERVED: 81.0

PROJECTED SATISFACTION DATE.....: 06-13-2021  
PROJECTED SATISFACTION METHOD....: GCT REL

WXRAR	*	PUBLIC INFORMATION	*	02-07-2021
PAGE 004	*	INMATE DATA	*	15:03:22
		AS OF 02-07-2021		

REGNO.: 34481-037 NAME: WASHINGTON, KEITH HARRY

RESP OF: CSC

HOME DETENTION ELIGIBILITY DATE: 06-17-2007

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.  
THE INMATE WAS SCHEDULED FOR RELEASE: 09-19-2007 VIA GCT REL

-----PRIOR JUDGMENT/WARRANT NO: 020 -----

COURT OF JURISDICTION.....: TEXAS, SOUTHERN DISTRICT  
DOCKET NUMBER.....: 4:05CR00175-001  
JUDGE.....: HUGHES  
DATE SENTENCED/PROBATION IMPOSED: 08-13-2001  
DATE SUPERVISION REVOKED.....: 11-28-2005  
TYPE OF SUPERVISION REVOKED.....: REG  
DATE COMMITTED.....: 12-23-2005  
HOW COMMITTED.....: COMMIT OF SUPERVISED REL VIOL  
PROBATION IMPOSED.....: NO

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$611.00

-----PRIOR OBLIGATION NO: 010 -----

OFFENSE CODE....: 551 18:2113 ROBBERY BANK  
OFF/CHG: 18:2113(A)&9F), BANK ROBBERY

SENTENCE PROCEDURE.....: SUPERVISED RELEASE VIOLATION PLRA  
SENTENCE IMPOSED/TIME TO SERVE.: 24 MONTHS  
DATE OF OFFENSE.....: 12-26-2000

-----PRIOR JUDGMENT/WARRANT NO: 030 -----

COURT OF JURISDICTION.....: TEXAS, SOUTHERN DISTRICT  
DOCKET NUMBER.....: 4:05CR00303-001  
JUDGE.....: HUGHES  
DATE SENTENCED/PROBATION IMPOSED: 11-28-2005  
DATE COMMITTED.....: 12-23-2005  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$100.00	\$00.00	\$00.00	\$00.00

G0002 MORE PAGES TO FOLLOW . . .

WXRAR \* PUBLIC INFORMATION \* 02-07-2021  
PAGE 005 \* INMATE DATA \* 15:03:22  
AS OF 09-19-2007

REGNO..: 34481-037 NAME: WASHINGTON, KEITH HARRY

RESP OF: CSC  
PHONE..: 916-930-2010 FAX: 916-930-2008  
RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$1,700.00

-----PRIOR OBLIGATION NO: 020 -----  
OFFENSE CODE....: 551 18:2113 ROBBERY BANK  
OFF/CHG: 18:2113(A), BANK ROBBERY

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 36 MONTHS  
TERM OF SUPERVISION.....: 3 YEARS  
DATE OF OFFENSE.....: 01-10-2005

-----PRIOR COMPUTATION NO: 020 -----  
COMPUTATION 020 WAS LAST UPDATED ON 01-30-2007 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 01-30-2007 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
PRIOR COMPUTATION 020: 020 010, 030 020

DATE COMPUTATION BEGAN.....: 11-28-2005  
AGGREGATED SENTENCE PROCEDURE...: AGGREGATE GROUP 800 PLRA  
TOTAL TERM IN EFFECT.....: 36 MONTHS  
TOTAL TERM IN EFFECT CONVERTED..: 3 YEARS  
AGGREGATED TERM OF SUPERVISION..: 3 YEARS  
EARLIEST DATE OF OFFENSE.....: 12-26-2000

JAIL CREDIT.....: FROM DATE THRU DATE  
02-07-2005 11-27-2005

WXRAR	*	PUBLIC INFORMATION	*	02-07-2021
PAGE 006	*	INMATE DATA	*	15:03:22
		AS OF 09-19-2007		

REGNO...: 34481-037 NAME: WASHINGTON, KEITH HARRY

RESP OF: CSC  
PHONE..: 916-930-2010 FAX: 916-930-2008

TOTAL PRIOR CREDIT TIME.....: 294

TOTAL INOPERATIVE TIME.....: 0

TOTAL GCT EARNED AND PROJECTED..: 141

TOTAL GCT EARNED.....: 141

STATUTORY RELEASE DATE PROJECTED: 09-19-2007

ELDERLY OFFENDER TWO THIRDS DATE: 02-07-2007

EXPIRATION FULL TERM DATE.....: 02-07-2008

TIME SERVED.....: 2 YEARS 7 MONTHS 13 DAYS

PERCENTAGE OF FULL TERM SERVED..: 87.1

PERCENT OF STATUTORY TERM SERVED: 100.0

ACTUAL SATISFACTION DATE.....: 09-19-2007

ACTUAL SATISFACTION METHOD.....: GCT REL

ACTUAL SATISFACTION FACILITY....: LOM

ACTUAL SATISFACTION KEYED BY....: MDS

DAYS REMAINING.....: 141

FINAL PUBLIC LAW DAYS.....: 0

WXRAR	*	PUBLIC INFORMATION	*	02-07-2021
PAGE 007	*	INMATE DATA	*	15:03:22
		AS OF 12-09-2004		

REGNO..: 34481-037 NAME: WASHINGTON, KEITH HARRY

RESP OF: CSC

HOME DETENTION ELIGIBILITY DATE: 07-20-2004

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S PRIOR COMMITMENT.  
THE INMATE WAS SCHEDULED FOR RELEASE: 12-09-2004 VIA GCT REL

-----PRIOR JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: MARYLAND  
DOCKET NUMBER.....: HNM-01-021  
JUDGE.....: MALETZ  
DATE SENTENCED/PROBATION IMPOSED: 08-13-2001  
DATE COMMITTED.....: 10-03-2001  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.: \$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$1,111.00

-----PRIOR OBLIGATION NO: 010 -----  
OFFENSE CODE....: 551 18:2113 ROBBERY BANK  
OFF/CHG: 18 USC 2113(A) & (F) BANK ROBBERY

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE.: 51 MONTHS 7 DAYS  
TERM OF SUPERVISION.....: 3 YEARS  
CLASS OF OFFENSE.....: CLASS C FELONY  
DATE OF OFFENSE.....: 12-26-2000

WXRAR \*  
PAGE 008 OF 008 \*PUBLIC INFORMATION  
INMATE DATA  
AS OF 12-09-2004\* 02-07-2021  
\* 15:03:22

REGNO...: 34481-037 NAME: WASHINGTON, KEITH HARRY

RESP OF: CSC  
PHONE...: 916-930-2010 FAX: 916-930-2008  
----- PRIOR COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 12-09-2004 AT SHE AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
PRIOR COMPUTATION 010: 010 010DATE COMPUTATION BEGAN.....: 08-13-2001  
TOTAL TERM IN EFFECT.....: 51 MONTHS 7 DAYS  
TOTAL TERM IN EFFECT CONVERTED...: 4 YEARS 3 MONTHS 7 DAYS  
EARLIEST DATE OF OFFENSE...: 12-26-2000JAIL CREDIT.....: FROM DATE THRU DATE  
01-09-2001 08-12-2001TOTAL PRIOR CREDIT TIME.....: 216  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED..: 132  
TOTAL GCT EARNED.....: 132  
STATUTORY RELEASE DATE PROJECTED: 12-06-2004  
ELDERLY OFFENDER TWO THIRDS DATE: 11-15-2003  
EXPIRATION FULL TERM DATE.....: 04-17-2005  
TIME SERVED.....: 3 YEARS 11 MONTHS 1 DAYS  
PERCENTAGE OF FULL TERM SERVED...: 91.7  
PERCENT OF STATUTORY TERM SERVED: 100.2ACTUAL SATISFACTION DATE.....: 12-09-2004  
ACTUAL SATISFACTION METHOD.....: GCT REL  
ACTUAL SATISFACTION FACILITY....: SHE  
ACTUAL SATISFACTION KEYED BY....: TMHDAYS REMAINING.....: 129  
FINAL PUBLIC LAW DAYS.....: 0

G0000 TRANSACTION SUCCESSFULLY COMPLETED

# **EXHIBIT 2**

## **WASHINGTON'S ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL**

WXRAR \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 02-07-2021  
PAGE 001 OF 15:05:15  
FUNCTION: L-P SCOPE: REG EQ 34481-037 OUTPUT FORMAT: FULL  
-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----  
DT RCV: FROM \_\_\_\_\_ THRU \_\_\_\_\_ DT STS: FROM \_\_\_\_\_ THRU \_\_\_\_\_  
DT STS: FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS BEFORE "OR" FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS AFTER DT RDU  
DT TDU: FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS BEFORE "OR" FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS AFTER DT TRT  
STS/REAS: \_\_\_\_\_  
SUBJECTS: \_\_\_\_\_  
EXTENDED: REMEDY LEVEL: \_\_\_\_\_ RECEIPT: \_\_\_\_\_ "OR" EXTENSION: \_\_\_\_\_  
RCV OFC : EQ \_\_\_\_\_  
TRACK: DEPT: \_\_\_\_\_  
PERSON: \_\_\_\_\_  
TYPE: \_\_\_\_\_  
EVNT FACL: EQ \_\_\_\_\_  
RCV FACL.: EQ \_\_\_\_\_  
RCV UN/LC: EQ \_\_\_\_\_  
RCV QTR..: EQ \_\_\_\_\_  
ORIG FACL: EQ \_\_\_\_\_  
ORG UN/LC: EQ \_\_\_\_\_  
ORIG QTR.: EQ \_\_\_\_\_

G0002

MORE PAGES TO FOLLOW

WXRAR \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 02-07-2021  
 PAGE 002 OF \* FULL SCREEN FORMAT \* 15:05:15

REGNO: 34481-037 NAME: WASHINGTON, KEITH  
 RSP OF...: CSC UNT/LOC/DST: 9NL QTR.: N/A RCV OFC: SHE  
 REMEDY ID: 305003-F1 SUB1: 34CJ SUB2: 34AJ DATE RCV: 07-17-2003  
 UNT RCV.: J1 H/O QTR RCV.: Z03-205UAD FAACL RCV: SHE  
 UNT ORG.: J1 H/O QTR ORG.: Z03-205UAD FAACL ORG: SHE  
 EVT FAACL.: SHE ACC LEV: SHE 1 WXR 1 RESP DUE: WED 08-06-2003  
 ABSTRACT.: ALLEGES RACISIT REMARKS AND HARRASSMENT BY STAFF  
 STATUS DT: 07-22-2003 STATUS CODE: CLD STATUS REASON: DNY  
 INCRPTNO.: RCT: P EXT: DATE ENTD: 07-17-2003  
 REMARKS...:

REGNO: 34481-037 NAME: WASHINGTON, KEITH  
 RSP OF...: CSC UNT/LOC/DST: 9NL QTR.: N/A RCV OFC: WXR  
 REMEDY ID: 305003-R1 SUB1: 34ZM SUB2: DATE RCV: 08-05-2003  
 UNT RCV.: J1 H/O QTR RCV.: Z01-114UAD FAACL RCV: SHE  
 UNT ORG.: J1 H/O QTR ORG.: Z03-205UAD FAACL ORG: SHE  
 EVT FAACL.: SHE ACC LEV: SHE 1 WXR 1 RESP DUE: SAT 10-04-2003  
 ABSTRACT.: ALLEGES RACIST REMARKS AND HARRASSMENT BY STAFF  
 STATUS DT: 09-22-2003 STATUS CODE: CLD STATUS REASON: DNY  
 INCRPTNO.: RCT: P EXT: P DATE ENTD: 08-08-2003  
 REMARKS...:

CURRENT INVESTIGATIVE AND RELIEF TRACKING DATA					
DATE DUE	DEPARTMENT	TO	DATE ASSN	TRK TYPE	DATE RETURNED
FRI 08-22-2003	CORR SVC	DK	08-08-2003	INV	09-22-2003
MON 09-22-2003	CORR SVC	DK	09-04-2003	INV	09-22-2003

G0002

MORE PAGES TO FOLLOW . . .

WXRAR \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 02-07-2021  
 PAGE 003 OF \* FULL SCREEN FORMAT \* 15:05:15

REGNO: 34481-037 NAME: WASHINGTON, KEITH  
 RSP OF...: CSC UNT/LOC/DST: 9NL QTR.: N/A RCV OFC: WXR  
 REMEDY ID: 308848-R1 SUB1: 20DM SUB2: DATE RCV: 08-25-2003  
 UNT RCV..:UNIT 1 QTR RCV.: A01-118U FAACL RCV: SHE  
 UNT ORG..:UNIT 1 QTR ORG.: A01-118U FAACL ORG: SHE  
 EVT FAACL.: SHE ACC LEV: WXR 2 RESP DUE:  
 ABSTRACT.: DHO APPEAL  
 STATUS DT: 08-25-2003 STATUS CODE: REJ STATUS REASON: ONE RSA  
 INCRPTNO.: RCT: EXT: DATE ENTD: 08-26-2003  
 REMARKS..:

REGNO: 34481-037 NAME: WASHINGTON, KEITH  
 RSP OF...: CSC UNT/LOC/DST: 9NL QTR.: N/A RCV OFC: WXR  
 REMEDY ID: 308848-R2 SUB1: 20DM SUB2: DATE RCV: 09-12-2003  
 UNT RCV..:DRUG QTR RCV.: A05-126U FAACL RCV: SHE  
 UNT ORG..:UNIT 1 QTR ORG.: A01-118U FAACL ORG: SHE  
 EVT FAACL.: SHE ACC LEV: WXR 2 RESP DUE: SUN 10-12-2003  
 ABSTRACT.: DHO HEARING DATE 08-04-2003 CODE 307  
 STATUS DT: 10-07-2003 STATUS CODE: CLD STATUS REASON: DNY  
 INCRPTNO.: 1118989 RCT: P EXT: DATE ENTD: 09-12-2003  
 REMARKS..:

CURRENT INVESTIGATIVE AND RELIEF TRACKING DATA					
DATE DUE	DEPARTMENT	TO	DATE ASSN	TRK TYPE	DATE RETURNED
FRI 09-26-2003	DHO	RB	09-12-2003	INV	10-07-2003

WXRAR \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 02-07-2021  
PAGE 004 OF 004 \* FULL SCREEN FORMAT \* 15:05:15

REGNO: 34481-037 NAME: WASHINGTON, KEITH  
RSP OF...: CSC UNT/LOC/DST: 9NL QTR.: N/A RCV OFC: SCR  
REMEDY ID: 998728-R1 SUB1: 33AS SUB2: DATE RCV: 11-26-2019  
UNT RCV..:B/A QTR RCV.: Z01-114UAD FAACL RCV: BMP  
UNT ORG..:B/A QTR ORG.: Z01-114UAD FAACL ORG: BMP  
EVT FAACL.: BMP ACC LEV: RESP DUE:  
ABSTRACT.: COMPUTER IN LAW LIBRARY HAS BEEN OUT OF SERVICE  
STATUS DT: 11-27-2019 STATUS CODE: REJ STATUS REASON: SEN INF INS WRL OTH  
INCRPTNO.: RCT: EXT: DATE ENTD: 11-27-2019  
REMARKS..: YOU MUST FIRST ATTEMPT INFORMAL RESOLUTION AT THE  
INSTITUTION LEVEL.

G0000 5 REMEDY SUBMISSION(S) SELECTED  
TRANSACTION SUCCESSFULLY COMPLETED

# **EXHIBIT 3**

## **PROGRAM STATEMENT**

## **7300.09 COMMUNITY**

## **CORRECTIONS MANUAL (CN-2**

## **5-19-1999)**



**U.S. Department of Justice  
Federal Bureau of Prisons**

**C H A N G E   N O T I C E**

OPI: RSD/RSB  
NUMBER: 7300.09, CN-3  
DATE: August 1, 2016

**Community Corrections Manual**

/s/

*Approved:* Thomas R. Kane  
Acting Director, Federal Bureau of Prisons

This Change Notice (CN) implements a change to Program Statement 7300.09, **Community Corrections Manual**, dated January 12, 1998. This CN removes the requirement of subsistence collection for any resident while on Home Confinement. The new language is **highlighted**.

Attachment 4-7, p. 15: The subsistence payment checklist item now reads:

Unless granted a waiver by the CCM, are all residents **(except those on home confinement)** held responsible for subsistence payments?

Attachment 4-7, p. 22: The checklist item “Does the contractor collect subsistence from a resident on Home Confinement? (the weekly subsistence collected shall not exceed the per diem rate established for Home Confinement times seven.)” is removed.

Section 5.13.1, Offender Subsistence Collection, paragraph 2: The following language is added:

**Additionally, any inmate who transfers to the home confinement component of the program is not required to pay subsistence.**



**U.S. Department of Justice**  
Federal Bureau of Prisons

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# Change Notice

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**DIRECTIVE AFFECTED:** 7300.09

**CHANGE NOTICE NUMBER:** 02

**DATE:** 5/19/99

**1. PURPOSE AND SCOPE.** To add sections on the Cost of Incarceration Fee, Sexual Abuse/Assault Prevention and Intervention, and Volunteer Use in Community-Based Programs as well as to add the Tracking Juvenile Designations form to Chapter 5 of the Community Corrections Manual and to make a variety of other more minor changes to Chapters 5 and 6 as detailed below.

**2. SUMMARY OF CHANGES IN CHAPTER 5**

a. In both Chapters 5 and 6, changes have been made in accordance with the Bureau's clear writing initiative. Increased use of BOPNet GroupWise system for making official notifications has also been added throughout this change notice.

b. In section 5.1, paragraph 6, a designation is not done when requested by the U.S. Marshals Service if the sentence has been completed.

c. In section 5.1, paragraph 9, during the designation process, prior sentence computations are to be reviewed along with the 129s and Presentence Investigations.

d. In section 5.1, paragraph 12, if background information has not been completed, the inmate must be designated to at least a LOW security facility.

e. In section 5.1.2, community corrections staff must obtain a verbal report related to offense conduct and institutional adjustment from a state employee on state inmates being designated for service of a federal sentence.

f. In sections 5.1.3 and 5.1.4, directions on maintaining documentation regarding voluntary surrenders and appeals were

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added.

g. In section 5.2.2.b, when an inmate is rejected for CCC placement, the CCM must consider placement in U.S. Probation Office's electronically monitored home confinement program.

h. In section 5.6.2.a.(2), minor changes were made regarding escape notification procedures.

i. In section 5.6.2.a.(8), minor changes were made regarding maintenance and documentation of escape related information.

j. In section 5.6.2.c(1), new information was added regarding coordination of apprehension efforts between the CCM, USMS, and contractor.

k. In section 5.8, clarification is added to the VCCLEA procedures regarding prohibited acts.

l. In section 5.8.3, a misconduct report on a VCCLEA violent or PLRA inmate may be referred to a DHO certified CCM staff member in offices with an unusually high number of incident reports.

m. In section 5.11, information was added regarding the transfer of inmates and notification of victims and witnesses.

n. In section 5.12.2, information was added regarding notification procedures for hospitalized inmates and general direction given related to precertification of treatment.

o. In section 5.14.4.a, dollar amounts of court assessments were removed.

p. Section 5.14.5, Cost of Incarceration Fee (COIF), was added.

q. Section 5.16, reference to Sexual Abuse/Assault Prevention and Intervention procedures was added.

r. Section 5.17, Use of Volunteers in Community-Based Programs, was added.

s. Attachment 5-1, the CCM Designation Log, was revised.

t. Attachment 5-1a, Tracking Juvenile Designations, was added.

### 3. **SUMMARY OF CHANGES IN CHAPTER 6**

a. In section 6.1.1.d, files for direct court commitments must now contain an inmate discipline record.

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Page 3

- b. In section 6.1.2.d, the files for condition of supervision placements must now contain a SENTRY Sentence Computation.
- c. In section 6.1.3.c, community confinement case files must now contain a SENTRY Sentence Computation.
- d. In section 6.1.4, intermittent confinement case files must now contain the Designation Request and the SENTRY Sentence Computation.
- e. In section 6.1.5, for institution transfer files, it is now stipulated that some material is a copy while other material should be the original document.
- f. Section 6.3, SENTRY Applications, has been reorganized. In section c, inmate movement is loaded the same day or the next working day if the movement was after business hours.
- g. In section 6.3.7, the name of the Transitional Services Program has been changed to Community Transitional Drug Abuse Treatment.
- h. In section 6.4.1.a, for supervision violators, prior sentence computations must be reviewed to identify over-served time.
- i. In section 6.4.5.d, information on the award and deduction of Good Conduct Time was deleted. Language requiring immediate entry of disallowance and sentence recalculation was added as well as a statement directing staff how to document institution actions.
- j. In section 6.4.5.e, the inmate and contractor must be notified of revised release dates.
- k. In section 6.4.6.a, language was added directing staff to update the sentence computation before an inmate is released and to add remarks explaining any discrepancy between actual and statutory release dates.
- l. In section 6.4.6.c, including a copy of the "satisfaction display," for all cases is now required.
- m. In section 6.4.6.d, the reason for early termination of supervision cases is now to be noted in the computation remarks section.

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Page 4

4. **TABLE OF CHANGES**

Remove

Table of Contents pages 5-8  
Chapter 5  
Attachment 5-1  
Attachment 5-1a  
Chapter 6

Insert

Table of Contents pages 5-8  
Chapter 5  
Attachment 5-1  
Chapter 6

5. **ACTION.** File this Change Notice in front of PS 7300.09, the Community Corrections Manual.

/s/

Kathleen Hawk Sawyer

Director

PS 7300.09  
CN-2 5/19/99  
Page 1



**U.S. Department of Justice**  
Federal Bureau of Prisons

# **Change Notice**

**DIRECTIVE AFFECTED:** 7300.0  
**CHANGE NOTICE NUMBER:** 01  
**DATE:** 7/22/98

1. PURPOSE AND SCOPE. To add procedures in Chapter 5 for discipline actions under the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) and the Prison Litigation Reform Act of 1995 (PLRA) and make a minor change to Chapter 6 regarding file maintenance.

## 2. SUMMARY OF CHANGES.

a. A section has been added to Chapter 5, **SPECIAL DISCIPLINE PROCEDURES FOR VCCLEA INMATES IN NON-FEDERAL FACILITIES**. Special considerations apply to good conduct time applications for all Federal inmates:

- # serving more than one year,  
# housed in state and other long-term boarder contract facilities, and  
# identified as receiving a sentence under the provisions of VCCLEA and/or PLRA.

The following two attachments have been added to Chapter 5:

# 5-3.a. Notification to Inmates Sentenced under VCCLEA  
and/or PLRA

# 5-3.b. Notification to Contract Facility  
Director/Warden of VCCLEA and/or PLRA Mandated Reporting  
Requirements for Prohibited Acts

b. In Chapter 6, under the File Maintenance and Disposal section, the requirement for the Judgement and Commitment Order to be certified is removed for condition of supervision and community confinement placements.

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CN-01 7/22/98  
Page 2

3. TABLE OF CHANGES

Remove	Insert
Chapter 5 Pages 21 and 22	Chapter 5 Pages 21 - 22B
Attachment 5-3a Attachment 5-3b	
Chapter 6 Pages 3 - 6	Chapter 6 Pages 3 - 6A

4. ACTION. File this Change Notice in front of PS 7300.09, the Community Corrections Manual.

Kathleen Hawk Sawyer

/s/

Director



**U.S. Department of Justice**  
Federal Bureau of Prisons

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# Change Notice

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**DIRECTIVE AFFECTED:** 7300.09  
**CHANGE NOTICE NUMBER:** 7300.09  
**DATE:** 1/12/98

1. PURPOSE AND SCOPE. To highlight the most significant changes in the revised **Community Corrections Manual**. The previous Manual was issued in 1991 and was updated by eight Change Notices. This complete reissuance:

- # removes information in the Preface to Chapter 1 and reorganizes Chapter 1,
- # replaces Chapter 4 on Contracting,
- # removes from Chapters 4 and 5 requirements for forms R-84 and 12, since the FBI no longer requires those forms, I-
- # makes changes to attachments and references to Program Statements in the Discipline section of Chapter 5 on Case Management,
- # assigns responsibility for performing a full audit of the sentence computation prior to an inmate's transfer to a CCC to the institution Inmate Systems Manager in Chapter 6,
- # replaces Chapter 7 on Financial Management,
- # accomplishes the required conversion from WordPerfect 5.1 to WordPerfect 6.1., changes the numbering of the manual, and updates all references to Program Statements.

Other editorial improvements have been made throughout the Manual.

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2. SUMMARY OF CHANGES IN CHAPTER 4

- a. The Community Corrections Regional Administrator is given the option of waiving Pre-occupancy inspections for incumbent contractors. This option will enhance cost containment procedures by reducing CC staff travel expenses.
- b. The term mandays has been changed to inmate-days.
- c. Duplicate contract files maintained by the Management Center Administrator are eliminated.
- d. New inspection procedures and monitoring schedules for U.S. Marshals Service (USMS) "Piggyback" jail contracts are established. Suitability inspections will be conducted with the USMS prior to inmate placements. In addition, CC staff will participate in a joint monitoring with USMS staff once every three years. A copy of all USMS monitoring reports will be maintained in the contract file. This change will result in a significant cost savings to the Bureau.
- e. Requests to exercise option years are to be submitted via electronic means.
- f. The address of contact for FOI inquiries about existing contracts has been changed.
- g. Requests for contract action for all new or replacement contracts should be received by the contracting officer 14 months prior to beginning performance. This will give the contractor 120 days to begin performance rather than the current 60 days.
- h. Accounting codes have been updated.
- i. COS may now contact the CO by BOPNet GroupWise E-mail when inquiring about the status of a particular contract.
- j. Pre-site inspection requests can now be requested via BOPNet GroupWise e-mail.
- k. Past performance is added as an evaluation criteria in the solicitation and under the Evaluation Panel's general instructions.

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- l. The CCRA may postpone a full monitoring with justifiable cause; however this postponement should not exceed 30 days. Additionally the CCM may request the CCRA to waive an interim review when determined to be in the best interest of the Bureau of Prisons.
  - m. Documentation of contractor training initiated by the CCM need only be maintained in the local contract file thereby eliminating the need for MCA duplication.
  - n. New procedures concerning the reporting and investigation of integrity issues in Bureau contract facilities are incorporated.
  - o. References to FBI Form I-12, Wanted Flash Cancellation Notice and FBI Form R-84, Final Disposition Notice have been deleted from Attachment 4-7.
3. SUMMARY OF CHANGES IN CHAPTER 5
- a. In the Discipline section, the CCC Prohibited Acts attachment has been deleted, and the Chapter now refers staff to three related tables in the Program Statement on **Inmate Discipline and Special Housing Units**.
  - b. In the Central Inmate Monitoring System section, the requirement for CCMs to monitor uncommitted separation cases in their districts has been deleted.
  - c. In the section on Referrals for Institution Transfer to CCCs, CCC referral log requirements have been clarified to indicate the log can reflect the "name of the referral CCC" or the CCC location code.
  - d. References to FBI Form I-12, Wanted Flash Cancellation Notice and FBI Form R-84, Final Disposition Notice have been deleted from the Release Forms and Report Distribution section.

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e. Reference to the procedure for immigration detainees with supervision has been deleted from the section on Release Forms and Report Distribution.

4. SUMMARY OF CHANGES IN CHAPTER 7

a. Descriptions of the budget process and budget reports are streamlined.

b. The sections on budget projection and accruals contain new procedures. Some information in these areas is now located in the **Community Corrections Technical Reference Manual**.

c. Travel and purchasing procedures are updated.

d. Accounting and contract codes are updated. Most of the related technical information is now in the **Community Corrections Technical Reference Manual**.

e. All seven attachments are replaced by the **Region Annual Budget Plan** and **CCM Budget Projections** attachments.

5. ACTION. File this Change Notice in front of the **Community Corrections Manual**.

/s/

Kathleen M. Hawk

Director



**U.S. Department of Justice**  
Federal Bureau of Prisons

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# Program Statement

**OPI:** CCD  
**NUMBER:** 7300.09  
**DATE:** 1/12/98  
**SUBJECT:** Community Corrections Manual

1. PURPOSE AND SCOPE. To operate community-based corrections for offenders who are reintegrating into communities and require more supervision than traditional probation or parole, or who need an alternative to incarceration. Community corrections is also responsible for managing Federal offenders confined in non- Bureau facilities. Most Bureau community corrections programs are implemented through contracts and agreements with private service providers and with state or local governments.

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. A variety of community-based correctional services and programs will be available for offenders.

b. Contracts and budgets for community-based services and programs will be effectively managed.

c. Offenders in community programs will receive appropriate supervision.

d. The public will be protected from undue risk.

e. Offenders in community programs will be provided safe living environments.

f. Eligible inmates in community programs will have opportunities for work experiences to develop positive skills, knowledge, and work habits.

- g. Inmates will be able to participate in specialized community programs such as drug, alcohol, and mental health counseling and services.
- h. Positive relationships, family values, and mutual support and nurturing will be promoted and reinforced among inmates, their spouses and their children.
- i. Eligible inmates will have the opportunity to develop and maintain supportive and nurturing relationships with their families through participation in their religious communities.
- j. Use of intermediate punishments will contribute to proactive management of the Bureau's population.
- k. Effective partnerships with governmental and private agencies, as well as the general public, will be established and maintained.

3. STANDARDS REFERENCED. Applicable standards are referenced in individual directives referenced in the Manual.

4. DIRECTIVES AFFECTED

a. Directive Rescinded

PS 7300.08                   Community Corrections Manual (4/1/91)

b. Directives Referenced

PS 1010.02	Staff Meetings (1/31/95)
PS 1170.05	BOP Facts (9/4/96)
PS 1210.14	Management Control and Program Review (10/6/94)
PS 1280.10	Justice Telecommunications System (JUST), National Crime Information Center (NCIC), and National Law Enforcement Telecommunications System (NLETS), Users Guide (4/19/96)
PS 1351.04	Release of Information (12/5/96)
PS 1380.05	Special Investigative Supervisors Manual (8/1/95)
PS 1400.04	Contact with other Agencies and Organizations (9/9/96)

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PS 1480.03 News Media Contacts (10/7/94)  
PS 1490.03 Victim and Witness Notification (12/14/94)  
PS 3420.08 Standards of Employee Conduct (3/7/96)  
PS 3906.16 Employee Development Manual (3/21/97)  
PS 4100.03 BOP Acquisitions (9/16/96)  
PS 4400.03 Property Management Manual (2/27/96)  
PS 5040.04 FBI Forms, Submission to the FBI (3/3/94)  
PS 5070.10 Responses to Judicial Recommendations and  
U.S. Attorney Reports (6/30/97)  
PS 5100.06 Security Designation and Custody  
Classification Manual (6/7/96)  
PS 5130.05 Detainers and the Interstate Agreement on  
Detainers (2/10/94)  
PS 5140.28 Unescorted Transfers and Voluntary Surrenders  
(12/9/96)  
PS 5160.03 Designation of State Institution for Service  
of Federal Sentence (9/29/94)  
PS 5180.04 Central Inmate Monitoring System (8/16/96)  
PS 5270.07 Inmate Discipline and Special Housing Units  
(12/29/87)  
PS 5326.03 Marriages of Inmates (10/29/93)  
PS 5330.10 Drug Abuse Programs Manual, Inmate (5/25/95)  
PS 5380.03 Cost of Incarceration Fee (COIF) (6/2/95)  
PS 5550.05 Escape from Extended Limits of Confinement  
(3/27/96)  
PS 5553.05 Escapes/Deaths Notification (9/17/97)  
PS 5800.07 Inmate Systems Management Manual (12/24/91)  
PS 5800.11 Central File, Privacy Folder and Parole  
Commission Mini-Files (9/8/97)  
PS 5873.05 Release Gratuities, Transportation, and  
Clothing (9/14/96)  
PS 5880.28 Sentence Computation Manual (CCCA of 1984)  
(2/21/92)  
PS 5880.30 Sentence Computation Manual. (Old Law, Pre-  
CCCA of 1984) (7/16/93)  
PS 6000.05 Health Services Manual (9/15/96)  
PS 6080.01 Autopsies, Authority to Order (5/27/94)  
PS 7010.05 Interagency Agreement between the U.S. Bureau  
of Prisons (BOP) and U.S. Marshals Service  
(USMS) (12/6/93)  
PS 7310.03 Community Corrections Center (CCC)  
Utilization and Transfer Procedure (3/25/96)

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PS 7430.01                    Drug Treatment Services, Community  
Transitional for Inmates (1/20/95)

TRM 5301.01                 SENTRY Education (6/1/94)  
TRM 5801.01                 SENTRY Sentence Monitoring (6/1/94)  
TRM 5802.01                 SENTRY General Use (6/1/94)  
            TRM 7000.01         Community Corrections (6/3/96)  
            TRM 4101.02         Procurement (6/18/97)

5. ACTION. Community corrections staff shall conduct operations and programs in accordance with policies and procedures in this Manual.

/s/

Kathleen M. Hawk

Director

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## **CHAPTER 1 - MISSION AND ORGANIZATION**

### **1.1 INTRODUCTION**

Community corrections has grown in complexity and scope throughout the last decade. One aspect of this growth is evidenced by the increase in Federal offenders housed in non-Federal facilities. In addition, innovative programs such as community-based drug treatment and sanction centers have been established or expanded.

Staff members must be skilled in a number of areas to accommodate the various demands of the community corrections field. Contract development and administration, inmate management, public relations, personnel management, financial management and project management are all areas in which staff must be proficient.

### **1.2 MISSION STATEMENT**

The mission of community corrections is to provide programs and facilities for Federal offenders serving their sentences in non-Bureau facilities, and to play an instrumental role in designating Bureau and non-Bureau facilities for placement of offenders. Community corrections staff:

**!** Develop and manage contract residential resources that provide:

(1) pre-release assistance for inmates who are nearing their release date,

(2) an option to institutional confinement for certain short-term offenders and,

(3) a structured environment for certain probationers, parolees, and supervised releasees who need more assistance and supervision than can be provided by community supervision.

**!** Develop and manage contract resources that provide secure confinement for:

(1) all sentenced Federal juvenile offenders,

(2) long-term Federal inmates confined in non-Federal institutions, and

(3) detention of Federal offenders serving short sentences.

**!** Develop and maintain working relationships with U.S. District Courts, the U.S. Marshals Service (USMS), the U.S. Parole Commission, U.S. Attorneys, and state and local

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government agencies for processing offenders into, and out of, the Bureau.

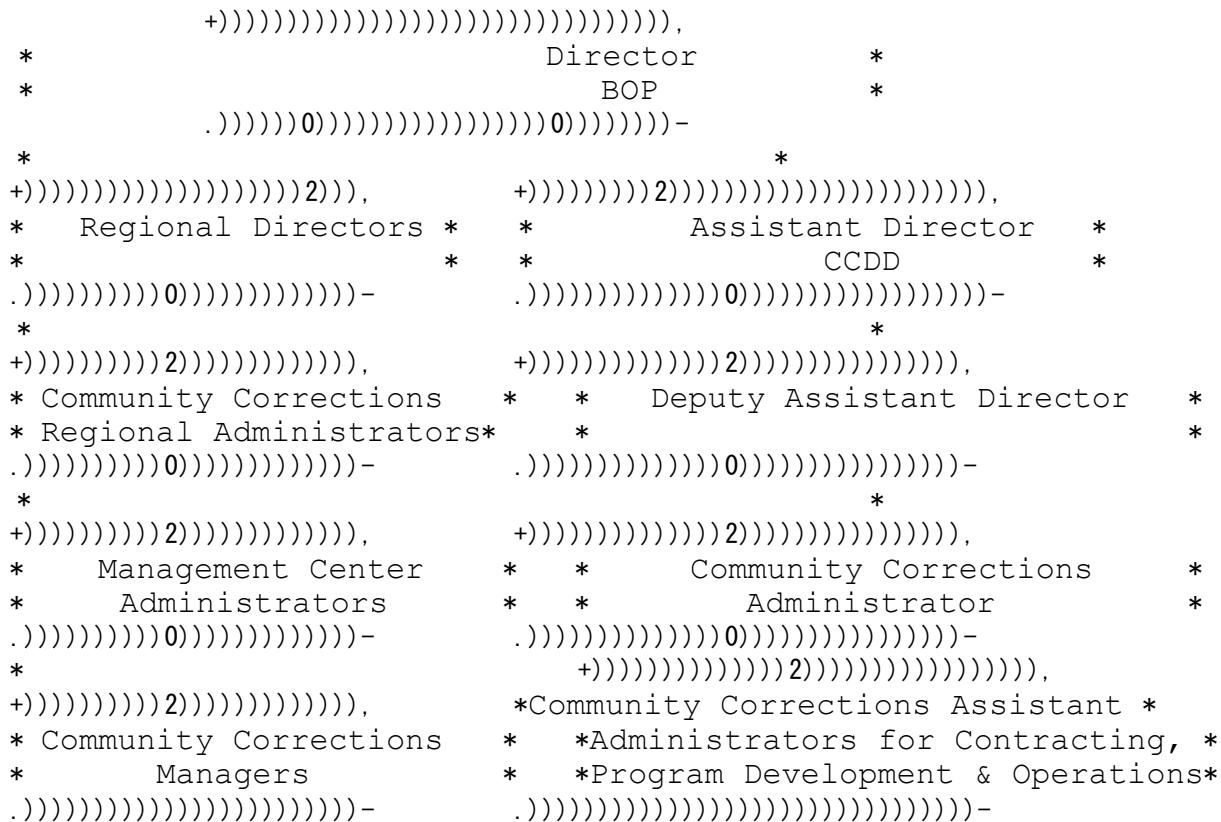
**!** Provide inmate systems and case management services to offenders in non-Bureau facilities.

**!** Provide technical assistance to state and local criminal justice agencies and serve as general liaison between the Bureau and the public.

### 1.3 ORGANIZATION

The Community Corrections Branch (CCB) is under the authority of the Assistant Director, Community Corrections and Detention Division (CCDD).

#### COMMUNITY CORRECTIONS ORGANIZATIONAL CHART



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#### 1.4 STAFF POSITIONS

**Community Corrections Administrator.** The Administrator develops and coordinates policy and provides general oversight for all Community corrections activities.

**Community Corrections Regional Administrator (CCRA).** Under the direction of the Regional Directors, CCRAs are responsible for all community corrections functions, services and operations within their respective regions.

**Management Center Administrator (MCA).** Under the direction of the CCRA, the MCA is responsible for a Correctional Management Center (CMC), which generally comprises two to three community corrections field offices.

**Community Corrections Manager (CCM).** CCMs operate under the direction of the MCAs and are responsible for all functions, programs and services related to community corrections in their assigned judicial districts. CCMs are also responsible for providing supervision and guidance to staff assigned to the community corrections field offices.

**Community Corrections Contract Oversight Specialist (COS).** Contract Oversight Specialists oversee contract facilities through routine contact, correspondence review, announced and unannounced on-site monitorings and technical assistance visits.

**Community Corrections Trainee (Community Corrections Specialist Trainee).** The Trainee position is a developmental one, designed to prepare the incumbent for reassignment to a Community Corrections Manager or Contract Oversight Specialist position. Ordinarily, Trainee positions are found in CCM offices that are co-located with an MCA office.

**Community Corrections Regional Safety Specialist (CCRSS).** The CCRSSs are a technical experts on all matters related to Life-Safety Code requirements and other safety issues. The CCRSSs provide training and guidance in this area to community corrections and contract staff within their respective regions.

**Community Corrections Regional Inmate Systems Management Specialist (CCRISM).** The CCRISM provides technical assistance on matters related to Inmate Systems applications as well as trains and guides community corrections and contract staff within their respective region.

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**Case Manager.** The individual assigned to this position ordinarily has responsibility for all community corrections office case management functions including but not limited to designations, disciplinary reports, referrals and requests involving participation in community programs and special activities.

**Legal Instruments Examiner (LIE).** This position is responsible for numerous inmate management functions including computing inmate sentences, updating SENTRY, and providing expertise regarding the structure and legality of offender sentences.

**Community Corrections Specialist.** This position may be created to accommodate an individual office's unique staffing needs.

**Community Corrections Administrative Assistant.** The individual assigned to this position organizes and maintains daily office operations by providing clerical and administrative support to either the Region, MCA, or CCM office staff. This position requires knowledge of fiscal management procedures, contract specifications, contractor bill certification, supply maintenance and travel voucher preparation.

**Transitional Services Manager (TSM).** The TSM establishes and administers community-based substance abuse treatment services for inmates residing in the community.

**Transitional Services Specialist (TSS).** The TSS, under the direction of the TSM or the CCRA, monitors the progress of offenders participating in drug treatment during the period of community programming. The TSS may also process referrals, assist with budget oversight, monitor treatment providers, and serve as liaison to the Bureau's institutional drug treatment programs.

#### 1.5 PROFESSIONALISM (Code of Ethics)

Community corrections staff are highly specialized professionals. All employees must maintain the highest standards of conduct and act in accordance with written requirements and guidelines as detailed in the Program Statement on **Standards of Employee Conduct**. Furthermore, staff conduct should build public confidence in the Bureau's ability to carry out its mission.

Accordingly, staff shall avoid not only misconduct, but also the appearance of misconduct. Community corrections staff must be particularly sensitive in their relationships with contract service providers. A cooperative, professional relationship between community corrections staff and contractors is expected, but staff must also ensure those relationships do not develop to the point that even the appearance of improper conduct or conflict of interest can be asserted.

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## CHAPTER 2 - PUBLIC RELATIONS

### 2.1 FEDERAL FAMILY

A major duty of CCMs is to establish and maintain rapport with Federal agencies including the Courts, the U.S. Probation Service, the U.S. Marshals Service (USMS), the Federal Bureau of Investigation (FBI), U.S. Attorneys Offices, Federal institutions, and others. CCMs must periodically visit these agencies to provide general information on Bureau programs and services and keep them abreast of Bureau activities. See the Program Statement on **Contacts with other Agencies and Organizations.**

#### 2.1.1. Federal Courts

It is a **major responsibility** of CCMs to regularly advise Federal courts of services and programs available to inmates and of relevant changes in Bureau policies and procedures. There are a variety of ways to accomplish this high-priority task. CCMs are expected to schedule visits with members of the judiciary. The CCM can coordinate with Chief U.S. Probation Officers (USPOs) to attend district judges's meetings and arrange periodic informal visits with judges and magistrates. CCMs serve as a link between judges and Federal Wardens by inviting and escorting judges to Community Corrections Centers (CCCs) and Federal institutions, and encouraging judicial participation in Bureau conferences and activities.

#### 2.1.2. U.S. Probation Office

It is essential that CCMs and COSSs develop close working relationships with USPOs in their assigned areas. Joint endeavors with probation offices include visits to, and monitoring of contract programs, joint participation in training at institutions and contractor training sessions, pre-release meetings, CCC staff meetings, Bureau and probation training conferences, etc.

CCMs should encourage USPOs to make use of CCC programs for probationers, parolees and mandatory releasees who are having difficulty functioning under supervision.

Also, CCMs are to encourage USPO support in utilizing CCCs as a sentencing option for Federal court commitments.

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Good working relationships with probation officers are also important in the areas of designations, the Transitional Services program, CCC/Comprehensive Sanction Center program improvement and accountability, CCC options for potential supervision cases, and for sharing information concerning the community adjustment of CCC residents.

#### **2.1.3. Bureau Institutions**

Close relationships must be maintained among community corrections staff, Wardens and their staff. The community corrections office often serves as a basic link among Federal Courts, U.S. Probation Offices, and Bureau institutions.

CCMs serve as a knowledgeable resource to Bureau institutions concerning community corrections resources available to offenders. CCMs should schedule regular visits to Bureau institutions in their geographical areas of responsibility. Not only should CCMs attend inmate pre-release meetings, but also they should also schedule meetings with appropriate staff to keep them advised of contract resources, particular program initiatives, referral procedures, etc. CCMs shall consult with Wardens in their districts about the possibility of providing training in community corrections during regularly scheduled institution training classes.

#### **2.1.4. U.S. Marshals Service**

The CCM staff must have close working relationships with the USMS.

The Bureau uses jails jointly with the USMS and depends on the USMS to secure and monitor jail contracts. The Bureau also depends on the USMS to assume custody of CCC failures and others under Bureau control. USMS cooperation in the designation process is essential for efficient operations. The CCM (or designee) and USMS must have informal meetings on an ongoing basis. See the Program Statement on **Interagency Agreement Between the U.S. Bureau of Prisons (BOP) and the U.S. Marshals Service (USMS)**.

#### **2.1.5. U.S. Congress**

CCMs may occasionally be called upon to arrange tours for members of Congress or their staff. After the tour, the Chief of Congressional Affairs in the Central Office should be notified by telephone. The Congressional Affairs Chief needs information on

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the nature of any issues or questions arising during the tour and the purpose of the tour, so an appropriate thank you letter may be sent. CCMs should keep their MCAs informed of congressional inquiries of any type.

#### **2.1.6. Other Criminal Justice Agencies**

CCMs must establish working relationships with other Federal criminal justice agencies, including the U.S. Attorney's Office, FBI, etc.

### **2.2. STATE, LOCAL & PRIVATE AGENCIES**

The community corrections staff must be sensitive to the needs and concerns of the local community. They must be aware of, and communicate with, state and local corrections agencies, law enforcement, and social services agencies. Moreover, they should participate in community advisory boards and local civic groups and be sensitive to the perspective of locally elected officials. See the Program Statement on **Contact with other Agencies and Organizations**.

#### **2.2.1. Corrections Agencies**

Community corrections staff may provide technical assistance to correctional agencies and programs upon request. These agencies may be potential contracting resources for housing inmates.

#### **2.2.2. Law Enforcement/Criminal Justice**

CCMs represent the Bureau by attending meetings of local law enforcement criminal justice agencies and community boards and by participating in professional organizations and conferences. Membership in local law enforcement coordinating committees and other organizations of a criminal justice nature should be considered an essential part of the CCM's formal relationship with the local criminal justice community.

#### **2.2.3. Consulates**

Community corrections staff, especially those located near international borders, may have the need to consult with representatives of other countries regarding their citizens who are Federal inmates.

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### 2.3. RELEASE OF INFORMATION

#### 2.3.1. Freedom of Information/Privacy Act

CCMs must be familiar with the Privacy Act and the Freedom of Information Act because, as the Bureau's representatives, it is essential that they be aware of the kinds of information they may release. CCMs shall also ensure that all staff in the community corrections office are familiar with the requirement of the Freedom of Information/Privacy Act. See the Program Statement on the **Release of Information**.

The Public Information Inmate Data SENTRY transaction displays information that may be released to the public. Generally (except in CIMS and juvenile cases), CCMs may release the following information to anyone, on residents of CCCs and confinement facilities:

- a. Name
- b. Register Number
- c. Place of Incarceration
- d. Age
- e. Race
- f. Conviction and sentencing data: this information includes the offense of conviction, court of conviction, date of sentencing, length of sentence, amount of good time earned, parole eligibility date, parole release (presumptive or effective) date, and the date of expiration of sentence.
- g. **Past** movement via transfers or writs: CCMs **may not** disclose which institution has been designated for an inmate prior to the inmate's actual arrival.
- h. Information concerning a Youth Corrections Act (YCA) incarceration may be released only after the CCM confirms that the YCA conviction has not been "set aside" or expunged.

#### 2.3.2. Public Information

CCMs may respond to inquiries using the releasable information described above or by giving general information regarding Bureau policy or institutions. Specific questions about particular Bureau institutions or inmates confined in them should be referred to the Public Information Officer (PIO) at that institution. If uncertainties exist, or for specific questions of an unusual or sensitive nature, the CCM should refer the inquiry to the MCA. The MCA may respond or refer the inquiry to

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the Regional Office PIO. Although CCMs and MCAs are not PIOs, it is recommended they become familiar with public information issues and policy.

### 2.3.3. **Contacts with the News Media**

#### a. Requests for Information

CCMs may only release public information as described above to the news media. If an inquiry requiring a response outside the realm of public information is made by the media concerning a specific incident with an inmate or contract facility, the CCM should consult with the Regional PIO. When public information is released to the news media, it must be documented in writing to the MCA with copies to the CCRA, Regional Director's office, and the Central Office PIO. CCMs and MCAs should be familiar with the provisions of the Program Statement on **News Media Contacts**.

#### b. Requests for Personal Interviews

A media request to interview an inmate at a contract facility must be approved by the facility Director. The inmate must agree to the interview and sign a consent form (BP-S233) in advance. This form is retained at the facility and a copy is provided to the CCM. The interviewer must abide by the rules of the contract facility. The CCM must consult with the MCA regarding any interview request. The Program Statement on **News Media Contacts** shall be used as a guide with particular attention paid to the following:

! Inmates must not receive compensation for any interview.

! If the inmate is a juvenile, the written consent of the parent or guardian is to be obtained.

! Judicial orders forbidding such interviews due to pending court action must be honored.

! The CCM and facility Director shall consider any probability for the interview to endanger the health or safety of the interviewer or cause serious unrest or disturb the good order of the facility.

### 2.4. **RECRUITMENT/EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

Pamphlets and brochures on employment with the Bureau are available from the Regional and National Recruitment offices. CCMs should have a ready supply on hand. When individuals are interested, the CCM should forward their names, addresses, and phone numbers to the Regional EEO Administrator and Recruiter.

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CCMs should contact other criminal justice agencies (such as the USPOs) to share qualified applicant lists. Resources for minority recruitment include, but are not limited to, such agencies as the Urban League, NAACP, and placement offices at colleges and universities.

A skill of primary importance to CCMs is the ability to establish and sustain a high level of rapport with the community. In addition to attending meetings and performing other public relations duties, CCMs should develop effective public speaking skills.

#### **2.5. INFORMATION ABOUT BUREAU INSTITUTIONS**

Periodically, the CCMs shall provide USMS and USPOs in their service areas with copies of "BOP Facts" from SENTRY for institutions where offenders from the service area are ordinarily placed. See the Program Statement on **BOP Facts**. As changes occur, institutions are required to update information including directions for self-surrender. CCMs must ensure that USPOs and the USMS are informed of any significant changes.

#### **2.6. MCA OVERSIGHT OF LIAISON AND PUBLIC RELATIONS FUNCTIONS**

During office visits, the MCA shall routinely evaluate this area to ensure that CCMs are maintaining on-going contacts, establishing good working relationships and disseminating accurate information on significant changes within the Bureau to appropriate agencies. This may be done through telephone or in-person contacts with various members of these agencies as well as by questions directed to the CCM.

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## **CHAPTER 3 - PERSONNEL AND OFFICE MANAGEMENT**

### **3.1. STRATEGIC MANAGEMENT CYCLE**

Managers at all levels in the Bureau are expected to manage their programs using the "strategic management cycle." This is defined as a holistic approach incorporated into the Bureau's system of management. Key components of this cycle available to TSMs, CCMs, MCAs and CCRAs are as follows:

P	Strategic Plans/Goals	P
Management	Assessment	P
Management	Indicators	P
Program Reviews		
P	Operational Reviews	

These components are interdependent and, together, will assist the manager to gather, monitor, analyze, and synthesize information aimed at assessing their program and adjusting operations to achieve the desired and required results.

#### **3.1.1. Strategic Plans/Goals**

Staff at all levels are encouraged to have input into the national strategic planning process. The Strategic Planner's Desk Guidebook is available on BOPDOCs to facilitate this input.

#### **3.1.2. Management Assessments**

Management Assessments are conducted every three years to provide managers an opportunity to identify and review management indicators, vital functions, and strategic issues. The end product is the issuance of Program Review Guidelines for community corrections. Separate guidelines are issued for TSMs, CCMs, MCAs, CCRAs and Central Office. These may be updated quarterly.

#### **3.1.3. Management Indicators**

Management indicators assist program managers to monitor their program's vital functions. They can be helpful in preparing for program and operational reviews and can be incorporated into strategic planning as a means of tracking goal progress and attainment.

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### 3.1.4. **Program Reviews**

Program reviews are conducted to determine:

- P compliance with regulations,
- P the adequacy of internal controls, and
- P the effectiveness of operations.

They also indicate patterns, trends, interrelationships, cause and effect of problems, and innovative methods to improve operations. The Community Corrections Section of the Program Review Division has assumed responsibility for all official program reviews of community corrections offices.

### 3.1.5. **Operational Reviews**

An operational review is a self-evaluation program staff conduct under the CEO's authority. It allows for a close evaluation of program strengths and weaknesses, as well as for any necessary corrective action.

The Regional Director ensures the review of the CCRA office occurs. CCRAs ensure operational reviews of MCA and CCM offices are conducted. The CCRA shall appoint a Reviewer-in-Charge (RIC) for each operational review. Typically, the RIC is the MCA for the CCM office and the CCRA for the MCA office, although it is not uncommon for the MCA or CCM to review their own office operations. Staff from the region or from Central Office may assist. Program Review Guidelines shall be used when conducting operational reviews.

As the review authority, the Regional Director shall receive all operational review reports through the CCRA. One copy of each report shall be forwarded to the Senior Deputy Assistant Director of the Program Review Division. These reports are filed in the Community Corrections Section of the Program Review Division and shall be reviewed periodically by community corrections branch staff.

Reference should be made to the Program Statement on **Management Control and Program Review** and its accompanying **Technical Reference Manual** for specific operational review procedures and time frames as well as for more detailed information on other components of the "strategic management cycle."

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### 3.2. STAFF TRAINING

CCRAs, MCAs, CCMs and TSMs are responsible for establishing training and educational programs which upgrade the expertise of and prepare staff for progressively more responsible positions. All new CC staff without prior community corrections experience are required to complete the Community Corrections Cross Development Course within four months of entry on duty. Each new community corrections staff member must also complete 16 hours of community corrections orientation within their first two weeks on the job. Within one year of their selection to the position, CCMs, CCM Trainees, and Case Managers are required to pass the Case Management Cross Development course if they have not already done so. These training standards and others can be found in the **Employee Development Manual**.

#### 3.2.1. Mid-level and Support Staff

As with all staff, training shall be specific to the duties and responsibilities of the staff persons position while also providing a thorough understanding of the Bureau and its relationship with various government and community agencies.

The TSM, if a supervisor, shall ensure the training received is appropriately documented in the employee's training record.

#### 3.2.2. Training for New CCMs and CC Specialist Trainees (CCST)

a. MCAs are responsible for implementing intensive one year training programs for new CCMs and CCSTs. The MCA shall maintain training records on new CCMs and CCSTs and ensure that the training received is being documented in the respective training records.

The new CCM and CCST training program shall include a comprehensive orientation to Community corrections and any other relevant training the individual needs. The Training Objectives for Community Corrections Specialist Trainees and the Training Checklist for Community Corrections Specialist Trainees (**Attachments 3-1 and 3-2**) may be used for new CCMs and COSSs if appropriate.

b. MCAs shall evaluate CCSTs and new CCMs monthly for one year or until all training objectives have been met. The MCA who administers the training program to the CCST shall prepare narrative quarterly reports addressing the training objectives in **Attachment 3-1**. The report, along with the Training Checklist for Community Corrections Specialist Trainees, shall be placed in

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the employee's file. At the end of each fiscal quarter, the MCA shall send a copy of the report and the Checklist to the CCRA and the Community Corrections Branch, Assistant Administrator of Operations.

At the conclusion of the training period, MCAs shall evaluate the CCST's performance and forward the evaluation with recommendations, to the CCRA. The CCRA shall determine if training objectives have been met and whether any further personnel action (promotion, further training, reassignment) should be considered. The CCRA shall forward a copy of this final report to the Assistant Administrator of Operations.

### **3.2.3. Training for Student Interns**

In offices where a paid student intern is assigned, the CCM (unless otherwise delegated by the CCRA) shall develop a comprehensive training plan which involves the intern in critical office functions. The CCM shall evaluate the intern monthly and submit quarterly reports with recommendations to the MCA for review with a copy to the CCRA and Community Corrections Branch Assistant Administrator of Operations. A full-time staff member shall review work performed by paid or unpaid student interns.

### **3.2.4. Annual Training and Development Plans**

CCRAs, MCAs, CCMs, and TSMs, if acting in a supervisory capacity, shall compile a Training and Development Plan (TDP) for use throughout the fiscal year including mandatory training, department goals and/or new technology, as well as the equipment necessary, to carry out the plan throughout the fiscal year. Training opportunities outside the Bureau should be considered and can be added as the TDP is updated throughout the year.

The TDP reflects the results of individual needs assessments culminating from each supervisor's annual review of each employee's training needs. The Regional Employee Development Administrator is available for assistance in developing needs assessments and local or departmental TDPs. Further information regarding needs assessments and TDPs is found in the **Employee Development Manual**.

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### **3.2.5. Updating Employee Training Records**

Supervisors shall send a Request, Authorization, Agreement and Certification of Training form (SF-182) to the Regional Training Coordinator to ensure the employee's individual training record is updated. Completed training shall be reviewed at the time of annual performance evaluations.

### **3.3. STAFF CERTIFICATION**

Community corrections staff perform a number of technical tasks in inmate monitoring. Failure to follow proper procedures could result in infringement of inmate rights. In order to ensure staff are knowledgeable in these matters, the CCM, Case Manager, Legal Instruments Examiner, and other locally identified staff shall be certified in Central Inmate Monitoring. Recertification must occur every three years.

All staff who use JUST terminals and/or teletype machines must be certified. Recertification is required every two years and must be maintained.

The CCM, COS and CCM Trainee shall receive Contracting Officer Technical Representative (COTR) certification.

### **3.4. PERFORMANCE EVALUATION**

Supervisors are required to complete quarterly performance logs, six-month progress reviews, and annual performance evaluations on each employee under their supervision. The Regional Personnel Office shall provide scheduling and forms. See the **Human Resource Management Manual**.

### **3.5. SUPERVISION**

! CCMs are responsible for supervising all staff in their community corrections office. MCAs supervise their Administrative Assistants and CCMs, while the CCRA supervises MCAs, TSMs, and regional staff assigned to their office. Either the TSM or CCRA supervises staff assigned to work with the Transitional Services Program. This determination is made at the regional level.

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! During the absence of the CCRA, MCA or CCM, an acting person should be designated, in writing, with distribution of the notice to appropriate staff to ensure the chain of command is maintained and the duties and responsibilities of these positions continue to be accomplished in an orderly manner. The responsibilities inherent in an acting position also serve to facilitate employee development.

### **3.6. TECHNICAL ASSISTANCE**

MCAs shall provide technical assistance to community corrections offices between operational reviews, as needed, to ensure previously noted deficiencies have been corrected, or satisfactory alternatives have been developed. In addition, administrators shall assess CCM progress in implementing any new program initiative since the last review and thoroughly review any area of special concern.

During some technical assistance visits, the MCA shall monitor contract bill verifications for four randomly selected contracts to ensure procedures comply with requirements and to verify that offender inmate-days are correct. The method of subsistence collection and waivers granted shall also be reviewed on these contracts. A summary of the findings from this or any type of monitoring done shall be included in the technical assistance visit report which shall be forwarded to the CCM with a copy to the CCRA.

CCRA visits to their areas of responsibility shall include, but are not limited to, Management Center and Transitional Services Program offices. Areas reviewed during these visits shall be documented and a copy of this report shall be forwarded to the respective office for response.

CCMs and Central Office staff may also be called upon to provide technical assistance to other Community corrections offices.

### **3.7. THE JUSTICE TELECOMMUNICATION SYSTEM (JUST)**

#### **3.7.1. Operation**

a. The U.S. Department of Justice Telecommunications System Manual and the Program Statement on **Justice Telecommunication System (JUST), National Crime Information Center (NCIC), and National Law Enforcement Telecommunications System (NLETS), Users Guide** provide instructions for operation and maintenance of appropriate logs.

b. While JUST messages are required in many cases, their

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use should be considered under the following circumstances:

! JUST messages are to be used **only** when mail, telephone, BOPNet, SENTRY, or fax alone will not suffice.

! The number of the recipients of each JUST message shall be kept to the essential minimum.

! "Out of service" and "in service" messages to all stations shall not be used.

! "All Stations" messages are to be routed through the MCA and approved by the CCRA.

c. Machine operation problems are referred to the Office of Information Systems, Field Services Section at (202) 307-1406.

d. Mnemonic Codes

! Bureau listings are provided in the Program Statement cited above.

! Department of Justice agencies (U.S. Marshals Service, U.S. Attorneys, etc.) are cited in the Department Manual.

! Mnemonic codes which identify where an inmate is housed shall be deleted from administrative messages that are maintained on file or are otherwise potentially available to others for review.

e. All Community corrections offices shall maintain a NCIC/NLETS log for the recording of QH and QR inquiries. This log is found in the Program Statement cited above.

### 3.7.2. **Security**

Equipment shall be located in a secure area. The CCM shall ensure all administrative message users are trained and certified.

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### 3.8. EQUIPMENT/PROPERTY

CCMs, MCAs, and CCRAs are Accountable Property Officers responsible for maintaining current inventories of all equipment/property assigned to their area. The BOP-ID Number shall be permanently marked on each item of capitalized property. See the **Property Management Manual** for further information.

### 3.9. INMATE LOCATOR SERVICE

Selected staff may handle routine inquiries about individual inmates by accessing SENTRY and then referring the caller accordingly. Inquiries about Witness Security Inmates shall be referred to the Inmate Locator Service. The CCM and MCA shall ensure that all staff are trained in the handling of inquiries about inmates and are familiar with the screening site procedures found in the Central Inmate Monitoring System.

The Locator Service operates Monday through Friday, 9:00 AM to 5:00 PM Eastern Standard Time. The FTS number is 367-3126 and the commercial number is (202) 307-3126. Telephone requests should be limited to five individuals or less. Callers should have identifying data, such as a register number or a birth date. Requests for information on more than five persons should be made by mail. Address these inquiries to the:

Inmate Locator Service  
320 First Street NW  
Washington DC 20534

### 3.10. OFFICE FILES/RECORDS

Instructions for maintaining specific records and files pertaining to such areas as designations, Community Corrections Center referrals, contract administration, etc., are contained elsewhere in relevant sections of this Manual. In addition, CCMs and TSMs are responsible for establishing and maintaining complete files on all other matters related to the office operation, i.e., property inventory, performance logs, correspondence, etc. These files shall be organized by subject and maintained for at least two years or until the next scheduled Program Review has been completed.

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Bureau policies and related forms are available to staff through BOPDOCS. CCMs shall maintain other directives, manuals and reference materials such as regional instructions, legal reference books, copies of manuals, and instructions from other agencies necessary for the performance of their duties. All staff should be trained in the use of BOPDOCS.

**3.11. MEETINGS**

Supervisors are required to hold regularly scheduled meetings with subordinates, at least monthly, when the department consists of two or more subordinate staff. See the Program Statement on **Staff Meetings**.

**TRAINING OBJECTIVES FOR COMMUNITY CORRECTIONS SPECIALIST TRAINEES**

The following training program shall be implemented for training Community Corrections Specialist Trainees (CCST) newly assigned to CC offices. It is recommended for the training of new Community Corrections Managers (CCMs) and Contract Oversight Specialists (COSS) as well.

Although the Community Corrections Regional Administrator (CCRA) and Management Center Administrator (MCA) are ultimately responsible for ensuring this training program is appropriately administered, the program participant's immediate supervisor is the trainer. Trainers are responsible for ensuring proper training and guidance are afforded the new CCM, COS, or CCST as well as for determining their proficiency in each training area.

The CCRA shall determine, with the appropriate input of the supervising MCA and CCM, when a CCST is eligible for promotion to a more responsible position. Generally, the training program should be completed within 12 months; however, where appropriate, supervisory staff may accelerate or extend the training program after consultation with the CCRA and MCA. The emphasis should be on completing the entire program in the allotted time rather than on completing tasks in the order listed.

**During the initial three months,** the new CCM/COS/CCST shall become familiar and/or proficient in the following areas:

1. As soon as practical, the new CCM/COS/CCST shall be introduced to the principle individuals with whom he/she will be involved, including, but not limited to, the following:
  - a. Members of the Federal Court (ie., judges and probation staff).
  - b. Members of the U.S. Marshals Service, U.S. Attorneys Office, and other members of the Federal family within the service area of the assigned office, as deemed appropriate.
  - c. All heads of agencies with whom the office works on a contractual basis. This includes CCC Directors, Wardens and Superintendents of State institutions, Sheriffs, Chiefs of Police, and other members of local law enforcement agencies as necessary.

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d. Introduction to all Bureau staff with whom the assigned office is directly involved. This includes all executive staff within all institutions in the office service areas. A visit to the Regional Office should be arranged, if possible, in order to meet the Regional Director and any other staff with whom the new CCM/COS/CCST will be working.

e. Meeting with the Transitional Services Program staff and becoming familiar with their duties.

2. The new CCM/COS/CCST shall immediately begin training in SENTRY and office management systems, and demonstrate proficiency in the following areas after the initial three month period:

! The ability to maintain the Inmate Information System within SENTRY.

! The ability to program inmate information into the SENTRY data base, and perform the necessary functions within the designation process, up to and including transmitting data to the Regional Designator for a final designation decision.

! The ability to release an inmate from SENTRY, following release from a contract facility.

! Proficiency in the use of basic SENTRY ISM and case management functions.

! Proficiency in the proper and efficient verification of billings from contractors.

! Familiarity with office operations including filing techniques, ordering of supplies, methods of preparing purchase requests, paying operation costs within the office, and maintenance of office equipment.

! The ability to create and maintain inmate files and dispose of them upon final release of the inmate.

! The methods of maintaining and disposing of contract files.

! An understanding of the Transitional Services Program (TSP), including familiarity with the TSP referral process, contract oversight, and case management functions.

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**During the second three-month period,** the new CCM/COS/CCST shall be given a gradual increase in his/her level of responsibility. At the end of this period, the new CCM/COS/CCST shall demonstrate familiarity within the following areas:

! Proficiency in the Security Designations Systems. Under the direction of the CCM, the new CCM/COS/CCST shall begin to submit designation requests to the Regional Designator.

! Proficiency and understanding of the contracting process. This shall include training in the Contract Location Profile System, Requests for Contract Action, and basic understanding of the various types of contracts utilized in the service area, including those for the Transitional Services Program.

! Understand the role of the Contracting Officer and the role of the CC Branch Contract Specialist.

! The Central Inmate Monitoring System (CIMS) and the National Crime Information Center/National Law Enforcement Telecommunication System (NCIC/NLETS) shall be understood to the point that during this period, if required, testing shall be scheduled for certification. Following certification, the new CCM/COS/CCST shall be allowed to submit CIMS data.

! The disciplinary process in contract facilities shall be presented and understood.

! The new CCM/COS/CCST shall become proficient in the application of Federal Travel Regulations and the submission of Travel Vouchers.

! Understand the proper procedures in the preparation of Time and Attendance Records.

! Develop familiarization with the Employee Performance Evaluation system.

! Begin to understand the yearly budget cycle and related responsibilities. At the discretion of the trainer, the trainee may begin Cost Center Manager training.

**During the third three-month period,** the new CCM/COS/CCST shall begin to fully assume the responsibilities of the assigned position. The new CCM/COS/CCST shall:

! Become fully involved in the contracting process, beginning with the original submission of the Request for Contract Action through final award of the contract. The process for

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obtaining COTR and Procurement Integrity Certifications shall begin.

! At a minimum, complete the monitoring of at least two CCCs and, if applicable, a state penitentiary and a local county jail.

The experienced CCM or MCA shall accompany the trainee on these monitorings.

! Be given signatory authority on all types of correspondence, with review by the experienced CCM or MCA before final mailing.

! Learn how to evaluate contract resources available in the service area and be able to determine if additional or fewer resources are needed.

! Be fully trained in case management procedures, as they pertain to Community corrections operations.

! Accompany the experienced CCM to institution pre-release meetings.

! Become actively involved in a contractor training session.

! Conduct solo visits to appropriate agencies at the experienced CCM's or MCA's direction in order to promote appropriate public relations.

! Receive training in financial management and budget projection.

**The fourth and final three-month period,** the training shall encompass and evaluate all of the training during the prior nine months.

During all phases of training, the supervisor shall maintain constant contact with the CCRA through the MCA regarding the progress of the new CCM/COS/CCST.

At the completion of each three-month period, the trainer shall submit a narrative evaluation of the CCST's progress with the Training Checklist. The MCA shall review and initial these evaluations and forward copies to the CCRA and Community Corrections Assistant Administrator of Operations. These reports shall be reviewed and signed by the CCST. Copies of all pertinent documents related to an individual's participation in this training program shall be kept on file by the supervisor for a minimum of two years after program completion.

All aspects of the training plan must be completed before a CCST may be considered for a more responsible position. Time frames are presented as a guide, and deviance from them is permitted with justification.

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**TRAINING CHECKLIST FOR COMMUNITY CORRECTIONS SPECIALIST TRAINEES**

This checklist is a guide to the training process. It should be initialed only when it is felt the new CCM/COS/CCST is proficient in that specific area.

Name of Specialist Trainee      Name of Trainer

Location      Date Training Began

**TRAINING TOPIC**      **TRAINER**    **TRAINEE**    **DATE**

**DESIGNATION PROCEDURES**

Routine procedures...Steps to be taken before keying information into SENTRY.

Non-routine procedures...Designations to short-term jails and CCCs.

Paperwork flow...Do not keep designation packet...Do not mail certified.

Designation Log...Importance of log...What needs to be included ..What is not necessary.

Time limitations...From USM designation requests to submission to designator.

**CCC REFERRALS**

Source...Where referrals come from.

Referral form...Community-based Program Agreement form.

Log...Importance of referral log... What should be included.

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<b>TRAINING TOPIC</b>	<b>TRAINER</b>	<b>TRAINEE</b>	<b>DATE</b>
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Procedures...Step-by-step explanation...Receiving referral...Acceptance date...Notifying institution...  
Transfer documentation.

Special programs...Eligibility...  
Purpose...Drug Transitional Services,  
CSCs, ICCs, MINT, Home Confinement.

Special cases...3621(e) and 4046(c).

#### **CONTRACTING PROCEDURES**

Determination of need...CCC...Short-term jail...Short and long-term juvenile boarding...Long-term adult boarding...  
Special programs.

Identification of source... Existing contracts.

Contracting steps...Pre-solicitation process...Time frames...Contract solicitation/phase award.

#### **CONTRACT MONITORING**

Time frames...Major/Moderate/Minor use..  
Instrument to use...Cover letter.

Contract profile report...Preparation  
...How to utilize...Forms...Routing.  
CCC monitoring vs. Jail inspections  
vs. Juvenile Short and long-term  
boarding vs. Long-term adult boarding.

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NCIC/NLETS Requirements...Use...  
Reporting...Fingerprinting...  
Integrity issues.

#### **SENTENCE COMPUTATION**

ISM modules...Routine commitments...  
Special cases (juvenile).

Supervision cases...Keying accurate  
data...Monitoring through SENTRY.

Satisfaction of computation on  
SENTRY.

<b>TRAINING TOPIC</b>	<b>TRAINER</b>	<b>TRAINEE</b>	<b>DATE</b>
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Certification of computation after  
release of inmate.

#### **OFFICE MANAGEMENT**

##### **Office Budget**

Accruals...Expenditures...  
Projections...Managing the "R" budget..  
Travel...Office supplies.

##### **JUST System**

Operation...Security.

##### **Reports**

Accruals...Actuals...Quarterly  
...Inmate-days...Escapes...Incident  
...Integrity...Strategic Planning  
...Operational Reviews.

#### **CONTRACT FILES**

Familiarization...What should and  
should not be in the contract file.

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**SENTRY FUNCTIONS**

Load data function...Release functions.

Regularly used transactions.

Use of SENTRY to aid in bill verification.

EMS System.

**PUBLIC RELATIONS**

**Federal Family**

U.S. Courts/Pre-trial Services

U.S. Probation

U.S. Attorney

Immigration & Naturalization Service

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U.S. Marshals

Bureau Institutions

**State and Local Agencies**

Corrections

Law Enforcement/Criminal Justice

Contractors

**Contacts with the News Media**

FOIA/Privacy Act

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Date Training Objectives Accomplished: 1st Quarter ,  
2nd Quarter , 3rd Quarter , 4th Quarter .

Anticipated Completion Date for All Training Objectives: .

Date CC Cross Development Series Completed: .

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Date CIM Certification Completed: .

Date Cost Center Manager Training Completed (optional): .

Date Basic Sentence Computation-Computer Assisted Module Completed: .

Date Case Management Cross Development Course Completed: .

Date COTR Certification Received: .

Trainer's Narrative Report Attached (check):

1st Quarter , 2nd Quarter , 3rd Quarter , 4th Quarter  
Initials of MCA Indicating Report Reviewed: 1st Quarter , 2nd  
Quarter , 3rd Quarter , 4th Quarter .

Dates Report and Checklist mailed to CCRA and Central Office  
Community Corrections Branch: , , , .

MCA's Final Evaluation and Recommendation for Personnel Action:

Signature:

Date:

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CCRA's Decision Regarding Personnel Action:

Signature:

Date:

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**COMMUNITY CORRECTIONS SPECIALIST TRAINEE PROFILE**

Name of Trainee

Name of Trainer

Location

Date Training Began

Completion of this form will assist staff in assigning Community Corrections Specialist Trainees (CCSTs) to a desired office location (an assignment of choice is not guaranteed as the needs of the agency supersede the desires of the trainee). This profile is to be attached to the CCST Checklist for the 3rd Quarter prior to routing and shall be made available to all CCRAs as positions become vacant. It may be updated at any time.

Please identify as follows:

Desirable - 1, Neutral - 2, Undesirable - 3.

NORTHEAST REGION LOCATIONS

MID-ATLANTIC REGION LOCATIONS

Boston, MA  
 New York, NY  
 Philadelphia, PA  
 Pittsburgh, PA  
 Nashville, TN

Annapolis Junction, MD  
 Cincinnati, OH  
 Detroit, MI  
 Raleigh, NC

SOUTHEAST REGION LOCATIONS

NORTH CENTRAL REGION LOCATIONS

Atlanta, GA  
 Miami, FL  
 Orlando, FL  
 Montgomery, AL  
 Chicago, IL

Kansas City, KS  
 St. Louis, MO  
 Denver, CO  
 Minneapolis, MN

SOUTH CENTRAL REGION LOCATIONS

WESTERN REGION LOCATIONS

Dallas, TX  
 El Paso, TX  
 Houston, TX  
 San Antonio, TX  
 New Orleans, LA  
 Salt Lake City, UT

Long Beach, CA  
 Sacramento, CA  
 San Francisco, CA  
 Seattle, WA  
 Phoenix, AZ

SIGNATURE

DATE

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## **CHAPTER 4 - CONTRACTING**

### **4.1 GENERAL**

#### **4.1.1. PURPOSE AND ORGANIZATION**

The organization of this Chapter corresponds to the major phases and progression of the community corrections contracting process.

It brings into focus the separate and mutual responsibilities and the relationships in the contracting process of the Contract Oversight Specialist (COS), Community Corrections Manager (CCM), Community Corrections Regional Safety Specialist (RSS), Correctional Management Center Administrator (MCA), Community Corrections Regional Administrator (CCRA), Regional Comptroller (RC), Contracting Officer (CO) and the Community Corrections Administrator (CCA) in the Central Office.

This Chapter also depicts the order in which the different phases of the contracting process are to be accomplished and who is responsible for completing each phase. These procedures apply to all types of agreements, including those with private sector firms and governmental agencies.

Community corrections is responsible for program areas in the contract process. Under the CCM's supervision, the COS is ordinarily the first staff involved in the process. The contributions of the COS will directly affect the timely accomplishment of necessary planning, placement, and administration of a contract under which Federally appropriated funds are obligated and expended. The COS also has primary responsibility for gathering, interpreting, and transmitting information used in technical direction, inspection, and evaluation contractor performance.

The CO is responsible for the procurement areas of contracting as the government's authorized agent in dealing with contractors. Only the CO has the authority to negotiate, award, modify, administer and terminate contracts.

The Contracting Officer's Technical Representative (COTR), ordinarily the CCM, and the CO are jointly responsible for ensuring services are performed in accordance with the terms of the contract. The CCM's decisions are ordinarily based upon the information generated and provided by the COS in the execution of oversight duties and responsibilities.

The MCA, CCRA, and Assistant Administrator for Contracting (AAC) are the management staff responsible for reviewing and approving the COTR's request for all proposed contract actions.

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In addition, the management staff are responsible for overall policy and contract budget development. The CCA or designee is the Source Selection Official (SSO) for all community based and juvenile contracts. The Community Corrections and Detention Division Detention Branch will appoint an SSO for all secure adult and juvenile contracts.

#### **4.1.2. TYPES OF SERVICES PROVIDED BY CONTRACT**

The Bureau contracts with commercial sources and enters into Intergovernment Agreements (IGA) with government sources for the following correctional and community corrections services:

##### **4.1.2.1. Community Corrections Centers**

Community Corrections Centers (CCCs) provide residential correctional programs near the home communities of inmates. Generally, CCCs provide programs to:

- a. inmates nearing release to facilitate the transition from confinement to the community;
- b. probationers, parolees, mandatory releases, or supervised releases (U.S. Probation Officer [USPO] referrals) who need a more structured environment than can be provided under regular supervision;
- c. community confinement cases as described in the Sentencing Guidelines; and
- d. direct court commitments serving short sentences.

Work release facilities are included in this category, whether the inmate is housed in a CCC or a jail setting.

##### **4.1.2.2. Short-Term Jail Facilities**

Occasionally, it is not in the best interest of the Bureau, the Court, or the inmate, to designate a Bureau facility as the place of confinement. The Bureau uses jails for: confinement of inmates designated to serve short sentences; CCC violators; or intermittent confinement cases, as described in the Sentencing Guidelines. Normally, a local jail will not be designated for inmates with 45 days or more remaining to be served. The majority of jails the Bureau uses are under contract with the U.S. Marshals Service (USMS), and the Bureau is an authorized user. There are some jail contracts, however, that are exclusively contracted for by the Bureau.

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#### 4.1.2.3. Long-Term Adult Boarding Facilities

Long-term adult boarding facilities are ordinarily state or county correctional facilities that provide a wide range of programs and security. These facilities are primarily for inmates serving longer sentences than are served in a jail setting.

#### 4.1.2.4. Juvenile Facilities

The term "juvenile" is defined in Bureau policy and includes those under age 18 and those between the ages of 18 and 21 who are sentenced under the Federal Juvenile Justice and Delinquency Prevention Act. Juveniles are ordinarily boarded in non-Federal facilities, both governmental and private. Specific circumstances, such as a Court Order requiring CCC placement in an adult facility, must exist before a juvenile can be authorized for placement in a Bureau CCC.

The most common categories of juvenile facilities are:

a. Juvenile Boarding Institution

This is a secure, institution-based facility for more serious juvenile inmates serving intermediate or long-term sentences, and may include training schools, reformatories, youth centers, etc.

b. Juvenile Community-Based Facility

This is a minimum security community-based facility generally with full services, and regular access to the community. Programs such as education may be conducted solely in the community.

#### 4.1.2.5. Special Programs

The Bureau can contract or enter into agreements for other specialized facilities and services, such as Comprehensive Sanction Centers (CSCs), Drug Transitional Services, and Home Confinement. Other examples are contracts or agreements designed to meet specific mental or physical health concerns for inmates such as pregnancy, mental illness, or a proclivity to commit sex offenses. Additionally, contracts for programs concerned with study and observation cases and drug treatment programs can be established. Provisions to meet special programming requirements must be contained in the Bureau's solicitation for services/Statement of Work (SOW).

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#### 4.1.3. **NEGOTIATION/CONTRACTING AUTHORITY**

The Bureau has authority to award option-year contracts for CCC services. The most common award is for five years (two-year base with three one-year option periods), for confinement of prisoners (18 U.S.C. 4002). The CO must adhere to the Federal Acquisition Regulations (FAR), the Justice Acquisition Regulations (JAR), the BOP Acquisition Policy (BPAP), and the Competition in Contracting Act (CICA).

#### 4.1.4. **TYPES OF CONTRACTUAL BINDING ARRANGEMENTS**

The CO shall determine the type of arrangement instrument based upon the requirements identified in the Request for Contract Action (RCA). Each contract file shall be fully documented to explain why the chosen arrangement was selected. There are basically four types of arrangements the Bureau uses:

##### 4.1.4.1. Contract (Firm-Fixed Unit Price Requirements, Indefinite Quantity)

The word "contract," in a broad sense, means a mutually binding legal relationship obligating the seller to furnish the services or the supplies and the buyer to pay for them.

Therefore, the word contract can mean a purchase order (PO), or a contract.

This provides for a fixed-price per inmate, per day, during the life of the contract. This contract type places a reasonable majority of risk and responsibility for all costs and resulting profit and loss on the contractor. It provides maximum incentive for the contractor to control costs, to perform effectively, and to impose minimum administrative burden upon the contract parties. Ordinarily, the Bureau contracts for a two-year base period, to include three additional one-year options. The decision to exercise an option is the Bureau's unilateral right.

##### 4.1.4.2. Purchase Order

A PO is a simplified small purchase procedure which may be appropriate in a variety of situations. POs cannot exceed one year, nor may they extend beyond one fiscal year into the next. The two most common uses of a PO for Community corrections contracts are:

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a. Procuring services upon specified definitive terms and conditions, under which the aggregated amount does not exceed \$100,000. This is to be used in a one-time situation where one or more inmates are placed in a facility, but the Bureau does not anticipate using the facility again (single use).

b. Purchase of recurring requirements, when requirements are not known in advance. The amount shall not exceed \$100,000. The FAR prohibits the use of small purchase procedures in the acquisition of supplies and services initially estimated to exceed the small purchase limitation (\$100,000). Part 13.103 of the FAR indicates, "Requirements aggregating more than the small purchase limitation shall not be broken down into several purchases that are less than the limit merely to permit the use of small purchase procedures."

#### 4.1.4.3. Intergovernmental Agreement

An IGA is a bilateral agreement for services to be provided by a state or local government, at a reasonable price. Ordinarily, it has an indefinite expiration date. It does not require all the steps necessary in contracting with non-governmental entities.

The Bureau may be an authorized user of IGAs established by other Federal agencies, such as the USMS, U.S. Probation Service (USPS), and the Immigration and Naturalization Service (INS), when authorized by the agency contracting for the service. This is commonly known as "piggybacking."

#### 4.1.4.4. Indefinite Quantity (Guaranteed Beds)

This provides a guaranteed minimum number of inmate-days within the contract period. The Bureau contracts for a one-year base period to include four additional one-year options. The decision to exercise an option year is the Bureau's unilateral right.

### 4.1.5. PUBLIC INFORMATION, ETHICAL STANDARDS, AND PROCUREMENT INTEGRITY

The amount of information that may be disclosed about a contract depends on whether the information pertains to a contract which has been awarded or is in the pre-award stage.

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#### 4.1.5.1. Information Concerning Proposed Contracts

Bureau personnel shall handle information concerning the Bureau's need for services to be performed under contract as sensitive information. Extreme care shall be exercised to ensure no one receives information that could give any prospective offeror an advantage over another. Bureau personnel shall avoid situations that give even the appearance someone may be receiving favorable treatment or obtaining special information concerning contract actions.

Sensitivity to these issues shall be emphasized in all stages of the contracting process. Community corrections staff shall constantly safeguard against activities, social or otherwise, that might jeopardize their ability to perform their functions objectively, or which could be perceived as impairing their objectivity. For example, no employee shall accept any gift, benefit or service, tangible or intangible, from any contractor, offeror, or related party (see 28 CFR 45 et Seq.).

Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) provides, in part:

"During the conduct of any Federal agency procurement of property or services, no procurement official of such agency shall knowingly ... disclose any proprietary or source selection information regarding such procurement directly or indirectly to any person other than a person authorized by the head of such agency or the Contracting Officer to receive such information."

The CO must be informed promptly of all communications concerning solicitations Request for Proposals (RFPs) from prospective offerors or any other unauthorized individuals. Community corrections staff shall refer all inquiries to the CO who will determine, with the assistance of Legal Counsel, the appropriate response.

The primary concern in releasing information is to protect the competitive environment, the offerors confidential business information, and ultimately, the contract award itself.

#### 4.1.5.2. Information Concerning Current Contracts

Once a contract has been awarded, a large portion of the file becomes releasable information (except for the items exempted by the Freedom of Information Act [FOIA] and Trade Secrets Act) through established FOIA request procedures.

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Generally, trade secrets and financial information are exempt from release. Individuals who request information about existing contracts shall be advised to submit their request in writing to:

Federal Bureau of Prisons  
FOI/PA Office  
320 First Street NW  
HOLC Building, Room 738  
Washington DC 20534

#### **4.2: PRE-SOLICITATION PHASE**

##### **4.2.1. DETERMINATION OF NEED FOR CONTRACT SERVICES**

Community corrections staff must be alert to the ongoing need for contract correctional services. An important responsibility of the CCM and COS is to identify potential contract resources. The COS determines the need for new services not available through existing contracts; contracts for services in new geographical areas; and replaces, diminishes or modifies services for existing contracts.

Expiration of contracts, information received from Federal institution staff and USPOs, studies of population trends, and other data may dictate the need for additional contract resources within a given geographical area. These resources may be needed for pre-release corrections, special services, or provide the court with a sentencing option.

Initial sources to consult are the national professional association directories, Division of Human Services Directory, USPOs, state and county correctional agencies, existing contract facilities and other interested offerors.

##### **4.2.2. REQUEST FOR CONTRACT ACTION (RCA)**

An RCA is a document that officially initiates a particular procurement action; it is sometimes called a Requisition or Purchase Request. RCAs provide the basis for determining how procurements will be conducted and how contracts will be awarded. They contain descriptions of the requirements, required authorizations, and necessary administrative details that enable the CO to prepare and issue solicitations and develop contract documents. The SOW, an essential element of the procurement request, contains information which describes tasks to be accomplished or delivered.

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The COS is responsible for identifying contract needs and submitting requests to the CCM for review and approval. The CCM will ensure all RCAs exceeding \$100,000 for competitively-let procurements have the required Advance Procurement Plan (APP) form(s) completed and attached in accordance with BOP/DOJ policy and procedures. All RCAs are reviewed and approved by the MCA, CCRA, and CCA staff prior to being forwarded to the CO. The Request for Contract Action (Attachment 4-1) form shall be completed for:

# all new and replacement Bureau contracts;  
# IGAs the Bureau negotiated; and  
# any modifications to Bureau contracts, excluding for exercising option years.

**Joint use agreements.** The Bureau often uses arrangements established by other Federal agencies, such as the USMS, INS, USPS, etc. These arrangements will ordinarily be IGAs. The USMS headquarters office will send the appropriate CCM office a copy of each available USMS jail contract in which Bureau use is included. When the USMS contracts are unavailable, or the contracts concern other agencies, the COS shall obtain a copy of the contract through the local office of the appropriate agency, and type on the face sheet of the agreement, using space number 7 "Appropriation Data," the following: "BOP authorized user," the accounting classification code and estimated use. If the COS knows when services will start, that information shall be included.

The COS shall make copies of the agreement and send them to the MCA and the CCRA. If there are modifications to the agreements, such as a new inmate day rate, a copy of the amended agreement shall be obtained by the COS and forwarded through the CCM and MCA, to the pay station.

#### 4.2.3. SUBMISSION TIME FRAME

##### 4.2.3.1. Multi-Year/Option Year Bureau Contracts

For a new or replacement contract, the CO should receive the RCA 14 months prior to the performance date.

##### 4.2.3.2. Purchase Orders

For a new or replacement Bureau acquisition for services, whose aggregate use will not exceed \$100,000, the CO should receive the RCA at least four months prior to the performance

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date. The preliminary site inspection report, which will follow the same format as a CCC preliminary site report, and the SOW must accompany the RCA.

4.2.3.3. Bureau IGAs

The CO should receive RCAs for a new or replacement agreement four months prior to the performance date.

4.2.3.4. Exercise Option Year

A BOPNet GroupWise E-mail message requesting an option year be exercised should be received at the Community Corrections Branch four months prior to the performance date. The CCRA, MCA, CCB Contract Specialist, Technical Assistant, and Supervisory Contract Specialist shall be forwarded a copy of the request. The CCB will be responsible for forwarding the request to Community Corrections Contracting.

4.2.3.5. Modifications

The CO should receive all requests for a significant modification of any Bureau arrangement as soon as community corrections field staff become aware of the need to modify a contract.

4.2.3.6. Other

If a situation arises which requires immediate procurement action, such as an unexpected court commitment, community corrections staff, ordinarily the COS, shall immediately telephone the CO to obtain instructions regarding the appropriate procedures to be followed. The COS shall follow up the telephonic notification with a GroupWise E-mail to the CO, with copies to the MCA, CCRA, and CCA. An RCA shall be completed and processed through regular channels.

**4.2.4. INSTRUCTIONS FOR COMPLETION OF REQUEST FOR CONTRACT ACTION**

The following instructions should be followed in completing the RCA:

4.2.4.1. Type of Action

Check either a, b, or c. Requests for new or replacement contracts require:

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- !
- a description of the type of services,
- !
- the geographic location wherein which the facility should be located, and
- !
- the SOW under which the contractor will perform.

If one of the standard SOWs (CCC, Juvenile, CSC) is to be used, include the title of the SOW and the date of the current issue.

When it is determined that portions of a standard SOW should be modified to adequately specify a particular requirement, these changes must be incorporated into the SOW and submitted with the RCA. A typed summary of the changes to the SOW must be submitted as an attachment to the RCA.

The COS shall develop a special and concise SOW when it is inappropriate to modify a standard SOW.

The contractor's name, contract number, and SENTRY location code must be provided for all requests to modify an existing contract.

Requests to exercise an option year are considered contract modifications.

#### 4.2.4.2.         Justification and Explanation

The CO must have as much information as possible regarding the nature of the requirement, this section must always include comments addressing the following issues.

For a **New or Replacement Contract** specify:

!

    The expiration date, including any extensions of the current contract, shall be included for a replacement contract.

!

    If multiple awards are desired, they should be outlined in this section. Multiple awards are desired when there exists geographical restrictions and different types of services are required using the same solicitation. The justification for multiple awards must be clearly defined and appropriately justified. For example, in a large metropolitan area, where estimates exceed 50 inmates for an average daily population, more than one contract may be preferred.

!

    If the request is not being submitted in a timely manner (specified months prior to performance date), an explanation must be included. Additional pages may be attached if necessary. Justifiable reasons might be for unanticipated services.

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! If more than one basic type of service is to be provided, they should be outlined. The most common example is when work release and short-term jail services are provided in a single contract, ordinarily from the same location.

! The specific nature of any non-residential service (such as psychological services, drug counseling, community supervision services, release expenses such as transportation, gratuity, and clothing, etc.), should be discussed.

! If services are to be provided to one or both sexes or to a special group of offenders (sex offenders, handicapped, alcoholics, etc.), these should be addressed.

! Any special circumstances that might require special consideration or action by the CO (i.e., anticipated delays in zoning approval or issuance of permits), should be included in this section.

For **Contract Modification**, a detailed explanation and justification of the requested change(s) must be included. Examples of contract modifications include, but are not limited to:

! a change in, or addition of, a place of performance,  
! change in billing address, or  
! the implementation of a program such as home confinement with electronic monitoring.

Any changes must be within the general scope of the contract and in accordance with the FAR.

#### 4.2.4.3. Period Services Will be Required

When working with intermittent requirements such as a PO, include the specific dates services are to begin and end. When working with a multi-year contract, include the date services should begin and estimate when services will end.

Ordinarily, the expiration date of services provided under an IGA should be indefinite. It must specifically state the terms upon which the parties may terminate the agreement (i.e., upon 90 days written notice).

#### 4.2.4.4. Fiscal Data a.

Accounting Code

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Identify the fiscal year (FP = FY 97 is "7," FY 98 is "8," and so on), Decision Unit ("T" or "D"), Cost Center (use #2 as the first digit for regional office), PMS, Project Code, and the Sub-Object Code. (See Chapter 7 for explanation of these codes.) When there are two types of services within a facility or contract (e.g., a jail with a work release unit and a detention unit), determine the **predominant** use and use one accounting code.

b. Estimated Inmate-Days and Expenditures

Inmate-days and estimated costs are essential factors in the development of a contract.

Estimates must be based upon an analysis of information which includes: SENTRY release data; input from the U.S. Probation and U.S. Attorney's office; past history; population trends over the last two to three years; and budgetary allowances. Central Office research staff provide the Community Corrections Branch with data to assist in the analysis of estimating inmate-days.

Other issues that may affect inmate-days estimates and over-all expenditures are: policy changes affecting placements; over crowding; a considerable drop in population in Bureau or state facilities; the need for two or more contracts in the same service area, operating under the same SOW; and new laws. The sources of information and the analysis of the data shall be documented and a copy attached to the RCA. At a minimum, this shall consist of written or telephonic documentation of Probation's needs and inmate-day use figures for the previous 24 months, if replacing an existing contract.

Yearly cost estimates should be based upon operating costs for the last year, plus anticipated cost increases, multiplied by the estimated number of inmate-days. Additional requirements imposed upon a contractor by a modified or new SOW must also be considered when estimating the inmate-day rate. The estimated per capita or inmate-day rate is the government's initial estimate in determining the fair and reasonable cost for the services being requested.

Accurate cost estimates are also necessary to assist the CO in determining the appropriate contracting procedures to be followed and can result in significant time savings. When possible, attach the inmate-day rate of other contractors in the same geographic area and the number of beds these contractors provide to the RCA.

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For the option-year requirements contracts, the base period is ordinarily for a 24-month period with three one-year option periods. For Indefinite Quantity Contracts, the inmate-day and per capita costs for males and females must be separately identified when the requirement is for both sexes.

For POs, the aggregate cost estimate shall not exceed \$100,000. For IGAs, inmate-day and cost figures should reflect estimates for a 12-month period, rather than 24 months. Inmate-days and cost figures provided on RCAs to exercise option years must reflect the identical figures contained in the initial contract award.

When the request is to change work requirements and a change in the per capita cost is not anticipated, indicate this fact by stating "no additional cost anticipated" under the Cost Estimate. If added costs are expected, the nature and extent of these costs must be justified; this action may require a resolicitation for a new contract and the loss of subsequent option years.

#### 4.2.4.5. Suggested Sources

CCM office staff shall list local prospective contractors with addresses, telephone numbers, and contact persons. Efforts to identify multiple sources are extremely important because competition has proven to be cost-effective and, as a government agency, the Bureau is required by law to give all qualified contractors the opportunity to compete for Bureau contracts, when possible.

Always include the incumbent (indicate by an asterisk) and any other sources in the area.

Potential contractors who communicate a request to be placed on the solicitation mailing list should be advised to write to the Contracting Officer, Community Corrections Contracting, Central Office, specifying the specific location(s) and number of beds they are capable of providing, as well as requesting a solicitation mailing list application.

Since some contractors have expressed their desire to be included in all contract solicitations throughout the country, sole source contracts have been virtually eliminated.

For IGAs, identify the particular governmental entity (e.g. City, County, State agency).

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#### 4.2.4.6. Existing Contracts

List all existing Bureau contracts within 50 miles.  
Indicate the contractor's:

- ! name,
- ! contract number,
- ! SENTRY location code(s),
- ! per-diem rate, and
- ! expiration date.

Requirements for a particular service area may be combined when it is determined to be in the Government's best interest.

#### 4.2.4.7. CCM Office Mailing Address

Include CCM's name, address, and telephone number for billing purposes.

#### 4.2.4.8. Signatures

This section of the RCA contains signature blocks and must be signed and dated as appropriate. An RCA with original signatures must be received by the CO. CCA staff will note the date the RCA is received by the CO prior to distributing copies to the appropriate field staff.

### 4.2.5. **CCM REVIEW**

After the COS completes the RCA and attachments, the CCM shall review and approve the request before submission to the MCA. Special emphasis shall be given to the justification and explanation for the request and the attached documentation supporting the accuracy of the estimated inmate-days and costs.

### 4.2.6. **MCA REVIEW**

The MCA shall review the content of the RCA and attachments for approval. Special emphasis shall be given to the following:

- ! justification for need;
- ! inmate-day projections and the supporting attached documentation; and,
- ! fiscal data.

The MCA shall ensure all RCAs for procurements over \$25,000 but less than \$500,000 have the appropriate Individual acquisition Plan (IAP) form(s) attached. For procurements actions of \$500,000 or more the Advance Procurement Plan (APP) will be

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completed by central office contracting staff. The RCA package shall be mailed to the CCRA in a timely manner, ordinarily within five working days of receipt.

#### **4.2.7. CCRA REVIEW**

The CCRA shall review, sign, and date the RCA package. The signature of the CCRA not only signifies review and approval of the content, but also "commits" funds for the proposed contract. The CCRA shall mail the RCA package to the Community Corrections Branch in the Central Office in a timely manner, ordinarily within five working days of receipt.

#### **4.2.8. CCA REVIEW**

CCA staff will review the RCA package prior to forwarding it to the CO. Special emphasis will be placed on inmate-day estimates and the completion of required APP forms. Upon verification, the RCA package is forwarded to the Community Corrections Contracting Section and ordinarily within seven working days after receipt by CCA staff, copies of the RCA will be forwarded to field staff. If changes are made to other documents in the RCA package, CCA staff will forward copies with the completed RCA.

### **4.3: SOLICITATION PREPARATION**

This section covers the major steps in the contract solicitation process that are the COs responsibility.

#### **4.3.1. WAGE DETERMINATION - SERVICE CONTRACT ACT**

Sixty days prior to solicitation issuance, the CO must file a Notice of Intention to enter into a Service Contract with the Office of Special Wage Standards, Employment Standards Administration, Department of Labor (DOL). The wage determination issued by DOL shall then become part of the solicitation package or resulting contract. Per the DOL: service contract personnel for CCCs are not ordinarily key or professional staff; maintenance, food service, clerical, shift or charge-of-quarters, and correctional staff are ordinarily service employees. Since the DOL has sole enforcement authority and responsibility to ensure these standards are met by the contractor, all inquiries Bureau staff receive should be referred to the local DOL office.

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#### 4.3.2. **COMMERCE BUSINESS DAILY**

The CO must forward a synopsis of the requirement to the Commerce Business Daily (CBD) when the estimated amount exceeds \$25,000. This notice must be published at least 15 working days prior to issuing a solicitation after allowing 10 days for receipt by mail. For purchases over \$2,500 but less than \$25,000, a synopsis of the requirements issued under a Request For Quotes (RFQs) may be published in the CBD to satisfy competition requirements, if sufficient sources of competition have not been identified.

#### 4.3.4. **STANDARD SCHEDULE OF EVENTS**

The CO shall establish an estimated time schedule of events for the rest of the contracting cycle within 10 working days after forwarding the synopsis to the CBD (Attachment 4-2). Although copies of this schedule are not ordinarily distributed, the CCM or COS may telephonically or using BOPNet GroupWise E-mail, contact the CO to inquire about the status of a particular solicitation.

#### 4.3.4. **ISSUE SOLICITATION**

After the 60 day DOL wage rate determination request cited above, and concurrent 25 working day CBD publicizing requirements have been met, a solicitation shall be prepared and mailed to all interested offerors requesting an original and three copies of the technical proposal and an original and four copies of the business proposal. A copy of the solicitation shall be mailed to the appropriate CCM and to the AAC. The CCM and COS should review the solicitation to ensure the requirements described in the RCA and attachments have been accurately addressed. Special emphasis should be placed on inmate-day requirements, geographic location, and requested modifications to the SOW. If discrepancies are identified, the CCA and CO should be notified immediately and the solicitation should be promptly amended.

Ordinarily, the solicitation shall provide for a period of 60 days for offerors to respond. The amount of time allowed shall be adjusted for any special or unique circumstances of the requirements.

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#### 4.4: EVALUATION PROCESS

##### 4.4.1. RECEIPT OF PROPOSALS

Proposals shall be date and time stamped immediately upon receipt by the CO. The CO shall review proposals for completeness, and store them in a secure place.

Within five working days of the closing date, the CO shall contact the Central Office Community Corrections Branch to determine which staff will chair the evaluation panel and to ensure copies of each technical proposal and a copy of the solicitation are provided to the members of the evaluation panel. The staff person assigned to chair the evaluation panel shall not have direct supervisory authority over, or be a member of the CCM office, from which the original contract request originated.

When there is only one offeror, the designated chairperson may perform an individual technical review rather than convening an evaluation panel. The technical review will assess those items needing further clarification, as well as any deficiencies. When only one offeror is to be evaluated, the chairperson may have direct supervisory authority over, or be a member of, the CCM office from which the original contract request originated.

It is the evaluation panel chairperson's responsibility to ensure compliance with evaluation process procedures and required time frames.

##### 4.4.2. PRELIMINARY SITE SURVEY

Upon receiving the proposal(s), the chairperson shall contact the appropriate CCRA who shall appoint the membership of the preliminary site inspection team. Ordinarily the team will be composed of the COS located in the CCM office that will administer the contract and the RSS. The chairperson shall contact the members of the inspection team via BOPNet GroupWise E-Mail, with copies routed to the CCRA, CCA, MCA, CCM, and CO, requesting the preliminary site surveys be conducted within 15 working days. Within two working days, the chairperson shall review the offeror's proposals and forward copies of documents pertinent to the preliminary site survey (diagram/floor plan, proof of valid right-to-use, notification to public officials and the community) to all members of the inspection team, for review, prior to the team's on-site inspection(s). All preliminary site inspections should be videotaped and forwarded to the panel chairperson for use by the evaluation panel.

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The chairperson's message to committee members for preliminary site inspection should also include a request that the inspection team forward their travel information (date and time of arrival, inspection, and departure) to the CO and panel chairperson in the event they can attend/participate in the facility inspection(s).

Within five working days of the site visits, the COS and RSS shall distribute their written reports (COS PRELIMINARY SITE INSPECTION REPORT (Attachment 4-3) AND RSS PRELIMINARY SITE INSPECTION REPORT (Attachment 4-4)) via BOPNet GroupWise E-Mail. If the facility is not acceptable, the site report shall outline rationale for this determination.

This report will cover the:

- # age, condition and suitability of the structure,
- # the location of the site, including availability of public transportation,
- # fire safety compliance,
- # overall sanitation and the need for repair and/or renovation of the building,
- # community and any other information that might be relevant for the evaluation panel's consideration.

Preliminary site surveys are required for incumbents as well as single offerors.

The CCRA may waive a pre-occupancy inspection for incumbent contractors. The first full inspection (60 to 90 days after award) would serve as a dual pre-occupancy/full monitoring. The waiver should be in writing and documented in the contract file.

#### **4.4.3. EVALUATION PANEL - FOR COMPETITIVE PROPOSALS WITH MULTIPLE OFFERORS**

##### **4.4.3.1. Meeting Time and Panel Composition**

The chairperson, ordinarily the panel member from the Central Office Community Corrections Branch, shall establish in writing the composition of the panel to evaluate the proposals and the time and date when it shall meet. The panel shall consist of the chairperson and at least two other Bureau staff, at least one of whom shall work in Community corrections. The panel will generally consist of the chairperson, the CO, and a staff person designated by the CCRA. The panel chairperson shall contact the CCRA, over the service area, and ascertain the name of the designated panel member from the field. The evaluation should be completed within 25 working days of the receipt of proposals.

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The MCA and CCM office staff who will have supervisory authority or will be responsible for administering the contract may be members of the panel.

#### 4.4.3.2. Panel Proceedings

The evaluation panel members shall use the evaluation criteria identified in the solicitation, to include an evaluation of each contractors past performance, to evaluate all proposals.

Impartiality and comprehensive evaluation by the panel is crucial to select the source whose proposal has illustrated the highest degree of realism and whose performance is expected to best meet stated government requirements.

Each member shall make an independent evaluation of every proposal using the evaluation checklist and scoring sheet.

Following the independent evaluation, the panel members shall hold discussions and arrive at a consensus. The consensus finding shall be recorded on a separate score sheet.

#### 4.4.3.3. General Instructions

The proposal evaluation process consists of an assessment of both the proposal and the offerors ability (as conveyed by the proposal) to successfully accomplish the prospective contract within the specified evaluation criteria. Each proposal must be judged by the same standards, factors, and subfactors specified in the solicitation.

#### 4.4.3.4. Determining the Competitive Range

To be acceptable, each proposal must describe a level of service that meets the minimum technical requirements of RFP and standards of the SOW. If it appears that the proposals are unacceptable the evaluations should identify any areas that need clarification, areas that are deficient, and any requirement excesses. The notes regarding these issues will be used during negotiations with the offerors.

If the proposed program does not meet minimum standards without extensive revision, this fact must be noted in the evaluation narrative. The written notes will support a recommendation to exclude the proposal from any further consideration for specific reasons, such as severe technical deficiencies, failure to address the SOW, parroting the SOW, or the need for a major rewrite.

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After the panel has evaluated and scored the proposals, the panel may recommend a competitive range. That is, the panel may determine a break exists between the high and low range of scores, and recommends the low group be removed from the competitive range. For example, there are five offerors and the scores are 525, 625, 310, 570 and 385. A natural break occurs at 525 and the panel could recommend the two lowest scoring offerors not be considered in the competitive range. Reasons include: a (complete) lack of understanding of the requirements of the RFP is indicated in a company's proposal or the proposed program could not be accepted without a substantial rewrite of the proposal. In such situations, however, the panel still addresses the weaknesses and strengths of the proposals recommended for exclusion from the competitive range.

Although a deficient proposal usually may not be included in further discussions, it is the CO who must make the determination and establish the competitive range. FAR 15.609 states, "The competitive range shall be determined on the basis of cost or price and other factors stated in the solicitation and shall include all proposals that have a reasonable chance of being selected for award." This provides a broad area of consideration by the CO who ordinarily welcomes evaluators providing narrative information in this area.

If there is a close grouping of scores, it is best to recommend all offerors be kept in the competitive range. For example, if the scoring was 515, 485, 390, 545, 410, it may be determined the scores are so close together they should all continue to be considered.

Panel members should avoid the words "responsive," "responsible," or "responsibility," when discussing an offeror's proposal. These words have a special technical meaning in procurement and usually are not relevant to negotiated contracts. Rather than convey an offeror is "non-responsive," indicate the proposal has severe technical deficiencies and/or is unacceptable as submitted by failing to meet minimum requirements and no reasonable chance for award.

#### 4.4.4. **PANEL FINDINGS**

The panel chairperson will prepare a detailed narrative summary of the panel findings to include:

- # identification of deficiencies;
- # clarifications, or excesses identified in the evaluation process for each proposal; and
- # a consensus score sheet.

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This summary or evaluation of proposals should include all of the issues or areas that are deficient or need to be clarified during negotiations with the offeror.

Within five working days of the panel evaluation, the chairperson shall forward the original site inspections, score sheets, comments and worksheets, and proposals to the CO. The chairperson may maintain a copy of the panel documents and a copy of each proposal, for reference, until award of the contract. After contract award, all proposals are forwarded to the CO.

#### **4.4.5. NOTIFICATION OF OFFERORS NOT IN THE COMPETITIVE RANGE**

After receiving the panel findings, the CO shall establish the competitive range and promptly notify in writing all unsuccessful offerors of the reasons they were not selected. Examples of appropriate reasons include: technically unacceptable, falling outside the competitive range, etc.

A pre-award notice should include: the basis for the determination, in general terms, and a statement that a revision of the proposal shall not be considered.

#### **4.4.6. NEGOTIATION WITH OFFERORS IN THE COMPETITIVE RANGE**

The CO should either make an award without discussion based on the initial proposals or conduct written or oral discussions with all acceptable offerors. The latter can be accomplished when the requirements of FAR 15.610 are met and recommended by the SSO. If negotiations are to be conducted, the CO should advise the offerors of any areas that need clarification, or any deficiencies in the proposals. The CO shall conduct negotiations on the areas identified as deficient and provide the offerors an opportunity to satisfy the government's requirements. The CO shall attempt to resolve any contradictions, uncertainties, or ambiguities concerning technical matters or other terms and conditions of the proposal.

The CO should provide offerors a reasonable opportunity to submit any revision to cost or pricing, technical, or any other matters resulting from the discussions. During negotiations, the CO will forward the offeror's responses to CCA staff for review and response. At the conclusion of negotiations, the CO should request offerors to submit a "Best and Final Offer" to the government, ordinarily within two weeks, unless special circumstances warrant additional time.

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Only the CO may discuss panel findings, costs, or negotiate with any offeror. No one, other than the CO, shall hold discussions with offerors.

Offerors shall be advised they must clearly identify in writing what changes or additions have been made and where they are located within the proposal. If during discussions substantive changes of the original proposals occur, the SSO may, if necessary, contact the panel chairperson and members, and convene a second evaluation panel.

#### **4.4.7. PRE-AWARD FISCAL AUDIT**

If the reasonableness of the proposed contract cost cannot be determined from adequate competition, a cost price and/or analysis of the offeror's cost data by the CO may be necessary. FAR Part 15 establishes dollar thresholds for determining when pre-award audits are required. It is the CO's responsibility to arrange for all required audits.

If the dollar thresholds for requiring an audit are not met, reasonableness of cost may be determined through cost analysis. When cost analysis is used, procedures prescribed in FAR Part 15 shall be followed and the file shall be fully documented.

#### **4.4.8. CO REVIEWS BEST AND FINAL OFFERS**

Within five working days after receipt of Best and Final Offers, the CO shall score each proposal for cost and forward the package to the SSO for review.

#### **4.4.9. FINAL REVIEW AND AWARD SELECTION**

The Central Office SSO shall conduct a final review of all proposals and provide the CO with a selection for award based upon the findings of the evaluation panel, clarification and deficiency correspondence, and Best and Final Offers.

The name of the awardee, a summary of the reasons for the selection and all paperwork received, shall be returned to the CO.

#### **4.4.10. CO REVIEW**

The CO shall review the action taken by the SSO and document the file for further processing.

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#### **4.4.11. PREPARATION AND DOCUMENTATION OF FILES**

The CO shall prepare and document the solicitation file and establish a separate contract file for the contract proposed for award. The contract file shall contain the information prescribed by FAR 4.803.

#### **4.4.12. AWARD CONTRACT**

When all requirements have been met, the CO shall execute the contract and advise the CCM and awardee by telephone of the award and performance period, reminding the contractor of the need for proof of zoning and life/safety compliance. Ordinarily, the beginning of the contract performance period is 120 days after the date of award.

The CO shall electronically advise the CCA, CCRA, MCA, RSS, and CCM of the award, award date, and performance date and ensure a copy of the successful offeror's proposal is forwarded to the CCM who has supervisory authority over the contract. The CO shall advise the COTR, typically the CCM, in writing, of their appointment as the COTR and describe the responsibilities of the appointment. The CO, with the assistance of the Legal Counsel and the COTR, will determine if the contractor has sufficiently met local requirements prior to performance.

#### **4.4.13. PROOF OF ZONING**

At best and final, the contractor must provide the CO with satisfactory proof all zoning and local ordinance requirements necessary for operation and applicable to any proposed performance site(s) have been met. Such proof shall be in writing and shall consist of documentation from necessary local officials stating the contract may be performed at the proposed site(s) in accordance with the current zoning and other requirements of the local jurisdiction.

For purposes of this provision, a "necessary local official" means an employee or elected person whose approval or concurrence as to the propriety of the use of the proposed site is required under any and all applicable laws of the city, town, village, or municipality in which the facility is located.

#### **4.4.14. PREOCCUPANCY VISIT**

Not later than 15 days prior to the date performance is scheduled to begin, the COS shall conduct a preoccupancy visit to ensure the contractor is ready to begin operations. When the RSS has not identified major deficiencies during the preliminary

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sitesurvey and upon receipt of a written determination from the RSS that his or her expertise is not required during the preoccupancy inspection, the CCRA may waive the RSS' participation. Special emphasis shall be given to negotiated items during the preoccupancy review. This review shall determine if the awardee is ready to accept offenders.

CCRAs may waive a preoccupancy inspection for incumbent contractors. The decision to waive a preoccupancy inspection should be based upon a determination the awardee has met the minimum procurement/contractual requirements necessary to accept Federal offenders. The waiver will be in writing from the CCRA and documented in the contract file. The first full inspection (60 to 90 days after award) would serve as a dual pre-occupancy/full monitoring.

Immediately following the review, the COS shall prepare a report (Attachment 4-5) and forward it electronically to the CO with copies to the RSS, CCM, MCA, CCRA, and CCB Section Chief. Any major deviations found must be corrected before Federal offenders are placed in the facility. The COS will follow through to ensure deviations are corrected. (If the effective date of contract performance is the same date as contract award, a preoccupancy visit is not possible.) When this occurs, the inspection will be performed within 30 days of award. The findings of the visit will be outlined in the monitoring report letter format (see Attachment 4-6) and issued by the CCM to the contractor for a response.

#### **4.4.15. DISTRIBUTION OF CONTRACTS**

The CO shall forward a copy of the Contract Award Document (SF-26 or SF-33) to the contractor, CCA, CCRA, MCA, CCM, and RC pay station) within three working days after final contract award.

Along with the Contract Award Document, the CO shall also forward copies of each of the following documents to the COTR who has supervisory authority over the contract:

- # the awardee's technical proposal;
- # all solicitation amendments;
- # clarification/deficiencies correspondence; and
- # best and final offers (CO's letters and awardee's responses).

It is imperative the COTR and the COS familiarize themselves with:

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- # the contents of any amendments to the solicitation;
- # correspondence received during the periods for clarification/deficiencies; and,
- # best and final offers.

#### **4.5.: POST AWARD ADMINISTRATION**

##### **4.5.1. GENERAL**

Once a contract has been awarded, the contract administration phase begins. Contract administration is any administrative activity undertaken by either the government or the contractor during the time from contract award to contract close out. More specifically, the term refers to steps taken by the government representative(s) responsible for ensuring government and contractor compliance with the terms and conditions of the contract. Such steps include:

- # all performance (inspection) monitoring activities,
- # modifications,
- # actions pertaining to disputes,
- # unsatisfactory contractor performance, and
- # price redetermination.

Contract administration also includes problem solving activities necessitated by unforeseeable circumstances - changes, problems, and disagreements that arise following contract award.

##### **4.5.2. MONITORING REQUESTS FOR CONTRACT ACTION**

The CCM is responsible for ensuring RCAs are submitted in a timely and appropriate manner. The CCM and MCA shall develop a record system to monitor the timely submission of RCAs for all Community corrections contracts. Lists can be generated from the Contract Location Profile System (CLPS). The CCRA shall ensure the MCA and the COTR have a system to alert them when requests are due. The MCA and CCRA shall review all RCAs and attachments, except those to exercise option years, for accuracy and completeness.

##### **4.5.3. MANAGEMENT OVERSIGHT**

The COS shall provide the CCM with an annual schedule of full and interim monitorings of contract programs. The MCA shall monitor full and interim reviews conducted by CCM offices for timeliness, professionalism, content, and procedural propriety.

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The CCRA shall develop appropriate mechanisms to oversee the auditing functions of the MCA.

The COS annual schedule should also include the projected month(s) in which preliminary site and preoccupancy visits are anticipated for new or replacement contracts. Since the RSS will ordinarily be involved in these site visits, providing him or her with a copy of this schedule can be beneficial for planning travel and meeting the milestones the CO established for contract award.

The CCRA may waive a full monitoring with justifiable cause; however, this waiver should not be more than 30 days. Additionally, the CCM may make a request in writing through the MCA to the CCRA to waive an interim monitoring. This waiver request will be based on a determination that it is in the best interest of the Bureau, and the contractor has demonstrated that they are fulfilling the conditions of the SOW with few deviations.

The monitoring of contract programs should be scheduled to maximize the time oversight staff are away from their office and thereby minimize the total cost of their travel. The contract monitoring schedule provides oversight specialists with a significant amount of flexibility to accomplish these two critical goals.

#### 4.5.4. **CONTRACT FILES**

##### 4.5.4.1. Official Contract File

The official contract file is maintained by the CO in the Central Office in accordance with the requirements of procurement statutes, policy, and procedure. This file documents the basis for the acquisition and award, the assignment(s) of contract administration tasks, and any subsequent actions taken by the contracting office.

##### 4.5.4.2. CCM Office Contract File

The COS shall maintain working files, commonly referred to as the "CCM Contract File" for each contract. Occasionally, some contracts may have multiple locations. Then, supplemental contract files shall be prepared for each location. Each supplemental file need not contain the same basic contract information (proposals, SF-26, etc.), but should contain all relevant information pertaining to that particular location.

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Additional files shall be used as necessary.

The contract file shall contain the following documents:

- a. Table of Contents or Index which clearly indicates where required information can be located in the file(s);
- b. A copy of the RCA, attachments and any modifications;
- c. A copy of the contract award document (SF-26 or SF-33) or PO, contractor's proposals (business and technical) and attachments, a copy of the solicitation (includes SOW) with amendments, clarification/deficiency correspondence, and best and final correspondence;
- d. Monitoring Instruments with "working papers," letter reports, contractor responses and close out letters;
- e. A historic chronological log of all activities, with regard to the contract on a continuous, systematic, routine basis, and correspondence;
- f. Life/Safety Reports, NCIC/NLETS checks, Pre-Occupancy Report, Preliminary Site Inspection, etc.;
- g. Fiscal Data (facility billings, medical billings, etc.); and,
- h. Automated Data Processing Contract Information.

A copy of the Public Voucher for Purchases and Services Other Than Personal (SF-1034) and original invoice information received from a contractor must be retained (archived) for historical purposes (see Section 4.5.15. CONTRACT CLOSURE).

#### **4.5.5. CONTRACT PROGRAM MONITORING**

Ordinarily, the CCM is the COTR (certified in accordance with DOJ and Bureau policy) and the COS acts as contract monitor. On occasion, the Bureau may place a COS on-site to monitor contract compliance. Then, the COS will typically be the COTR. COS staff are responsible for monitoring contractor compliance with the requirements contained in the SOW. COS staff must provide their supervisors and the CO with comprehensive and accurate information concerning a contractor's performance. Bureau staff in the CCM office perform "technical direction" responsibilities for work performed under contracts.

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4.5.5.1. The term "technical direction" is defined to include, without limitation, the following:

- a. Government guidance of a contractor's efforts toward full compliance with the contract SOW;
- b. Redirecting the contract performance effort;
- c. Shifting work emphasis between areas or tasks;
- d. Filling in details;
- e. Otherwise accomplishing the actual scope of work;
- f. Supplying information to the contractor which assists in the interpretation of technical portions of the SOW;
- g. Receiving, reviewing, and inspecting reports and information provided by the contractor to the government under the contract; and
- h. Evaluating the performance and certifying all invoices for payment.

4.5.5.2. Technical direction must be within the general scope of work stated in the contract. The contract monitor does not have authority to issue any direction which:

- a. Constitutes an assignment of additional work outside the general scope of the contract.
- b. Constitutes a change as defined in the contract clause entitled "Changes."
- c. Changes any of the expressed terms, conditions, fixed price, or time for contract performance. Only the CO shall, by written modification, authorize any such revisions.

#### **4.5.6. MONITORING INSTRUMENTS AND SCHEDULES**

There are monitoring instruments and schedules for different types of contract services. These instruments are designed to assist Bureau staff in making thorough program evaluations based on contract requirements as detailed in the SOWs. The Bureau can only require compliance with items that are provided for in the contract, and may only make suggestions in other areas.

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Contract monitorings are "inspections" or "reviews" as described below:

**4.5.6.1. CCCs**

a. The first full monitoring of all new CCC contract awards shall occur not less than 60 days nor more than 90 days after performance begins, all subsequent interim and full monitorings will follow regularly scheduled time frames as noted in Table 1:

**TABLE 1**

**MONITORING SCHEDULE FOR CCCs**

<b>TYPE OF FACILITY</b>	<b>ADP PRIOR SIX MONTHS</b>	<b>NUMBER OF FULL MONITORINGS</b>	<b>NUMBER OF INTERIMS BETWEEN FULLS</b>
<b>MINOR</b>	<b>0 - 15</b>	<b>1 EVERY 18 MOS</b>	<b>2</b>
<b>MODERATE</b>	<b>16 - 30</b>	<b>1 EVERY 12 MOS</b>	<b>2</b>
<b>MAJOR</b>	<b>31 &amp; OVER</b>	<b>1 EVERY 12 MOS</b>	<b>3</b>

b. full monitoring of major-use (average daily population of 31 or more offenders the previous six months) and moderate-use CCCs (average daily population of between 16 and 30 offenders the previous six months) shall be conducted annually.

This inspection shall be a thorough, comprehensive review of the contractor's operation. It shall include a close examination of every facet of the contract's requirements.

Ordinarily, the inspection team shall consist of the CCM/COTR (Auditor-In-Charge), the COS, and any additional staff identified by the CCM, MCA, or CCRA. U.S. Probation staff should be invited to attend CCC full monitorings. "Working papers" are the handwritten notes, etc., and duplicated documents which shall form the basis of the Contract CCC Full Monitoring Instrument (Attachment 4-7). Although the majority of the items contained in this instrument are applicable for all CCCs, additions and/or deletions to this monitoring instrument may be necessary depending on the requirements contained in the SOW. The Auditor-in-Charge is responsible for ensuring the monitoring instrument adequately addresses the requirements contained in the SOW.

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Because of the possibility of contract dispute or need to further explain the findings of monitorings, it is important all sections of the monitoring instrument be complete, comprehensive, and legible. No blank spaces shall appear on the instrument. These papers shall be maintained in the CCM Contract File for the life of the contract.

Normally, the contractor is notified in advance of all regularly scheduled full monitorings. This notification is commonly accompanied by a request to have the contractor forward, in advance of the monitoring, documentation that specific requirements of the contract are being met. In addition, office logs, files of offenders and SENTRY data can be examined in advance and included in the contract monitoring working papers.

The monitoring report to the contractor shall be composed of findings extracted from the monitoring instrument and supported by the working papers. The format of the report to the contractor shall follow the Monitoring Report Format (Attachment 4-6).

c. Full monitorings of minor-use CCCs (average daily population of 15 or less offenders for the previous six months) should be conducted every 18 months. They shall be performed exactly as outlined above in (b).

d. The full monitorings of all CCCs shall be supplemented with unannounced interim review monitorings, ordinarily conducted by the COS.

Interim reviews of major-use CCCs shall be conducted at least three times between each full monitoring, and at least two times between each full monitoring of a moderate-use or a minor- use CCC. Interim monitorings shall include, but are not limited to, an examination of findings noted in the prior monitoring or review, "spot checks" of historically problematic areas, and any other significant areas of concern. Interim reviews are not intended to be as thorough and comprehensive as a full monitoring.

e. Monitorings of contract facilities shall not be conducted exclusively during regular daytime working hours. Many program activities occur during evening hours and inmate accountability and facility life safety precautions are important at all times. Therefore, the monitor(s) must review operations of CCCs during all hours to observe programs, accountability procedures, and have opportunities to speak with a significant number of inmates and CCC staff.

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f. Findings of CCC full monitorings shall be recorded on the standard Monitoring Instrument. Interim reviews shall be recorded on the standard CCC Interim Monitoring Instrument (Attachment 4-8). Interim review reports to the contractor can be in letter form and do not have to follow the format for full monitoring reports as specified in Attachment 4-7. Findings (if any) shall be clearly identified, with clear, concise, and appropriate corrective action outlined. Unless the nature of findings dictate otherwise, interim review reports are not ordinarily as extensive as those for full monitorings.

g. All reports shall be addressed to the contractor's authorized representative identified in the business proposal, or any other subsequently authorized contractor personnel, and shall require a response to areas found non-compliant (Findings) within 30 days of receipt, unless the issue(s) warrant a more immediate response. The contractor's response must indicate all areas of non-compliance have been corrected or must include a plan, with acceptable timetables, to correct the findings identified.

h. As soon as possible, but ordinarily within 10 working days of a full or interim monitoring, the COTR shall sign and forward the cover letter and attached monitoring report to the appropriate contractor representative. Copies of the documents provided to the contractor will be mailed to the following Bureau staff: MCA, CCRA, and CO through the CCA.

Supervisory reviews of monitoring reports, cover letters, etc., prior to their being mailed to the contractor, are at the discretion of the MCA and CCRA.

Copies of the CCM's report on joint use non-Bureau contracts (USMS, INS, or other "piggyback" contracts) shall not be forwarded to the Central Office Procurement and Property Branch.

i. Upon receiving the contractor's response to the monitoring report, the COTR shall prepare and forward a response to the contractor in a timely manner. Ordinarily, this response shall be mailed within five working days and "close out" the monitoring. Monitorings are considered closed when the contractor's written response has indicated all findings have been corrected, or, acceptable plans with appropriate time frames have been outlined to correct findings.

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A copy of the contractor's response to all monitoring reports shall be attached to the COTR's follow-up response and copies shall be distributed to Bureau staff as noted above in item h of this section. Copies routed to the CCA shall be reviewed prior to routing to the CO for review and filing in the official contract file.

#### **4.5.6.2. Contract Confinement Facilities**

##### **BOP Contracts**

a. Ordinarily all jail and long-term adult confinement facilities will be inspected prior to the contract being initiated and/or activated.

The contract "status" assignment code for these contracts will be active (A) unless the contract has expired or it has been terminated. When in active status, the contract "inspection required" assignment code will be YES (Y) unless no Federal offenders are currently confined or expected to be confined at the facility over the next six months.

When inspections are required for active contract confinement facilities, they will be scheduled as noted below in Table 2:

**TABLE 2**

**MONITORING SCHEDULE FOR JAILS AND LONG-TERM  
ADULT FACILITIES**

<b>TYPE OF FACILITY</b>	<b>ADP PRIOR SIX MONTHS</b>	<b>NUMBER OF FULL MONITORINGS</b>	<b>NUMBER OF INTERIMS BETWEEN FULLS</b>
<b>MINOR</b>	<b>0 - 49</b>	<b>1 EVERY 12 MOS</b>	<b>0</b>
<b>MAJOR</b>	<b>50 &amp; OVER</b>	<b>1 EVERY 12 MOS</b>	<b>1</b>

b. Additional program oversight shall be initiated commensurate with larger Bureau populations. Facilities with larger populations ordinarily have an on-site COS. In those cases, the COS shall be the COTR and full monitoring teams may be comprised of Regional Office staff (i.e., Inmate Systems Manager, Correctional Services, Programs, etc.).

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c. When a facility has not been used for an extended period of time (six months or more), every effort should be made to visit/monitor the facility prior to the arrival of the next designated offender. A visit/monitoring is mandatory for those inactive facilities within 30 days of the designated inmate's arrival or a U.S. Marshal's inspection report is required demonstrating the facility has been reviewed within the last 12 months.

d. Contract juvenile facilities in use shall be monitored following the same type and frequency of review as outlined for a major, moderate, or minor use CCC, depending on use.

e. A number of correctional systems process offenders through a "diagnostic" center or facility prior to the offenders initial designation to a permanent facility. When used by the contract agency, diagnostic units, through which all offenders must be initially processed and evaluated, should be visited during each full monitoring, or at a minimum of once every 12 months.

f. When a contract confinement facility also has a work release program which is the predominant use, the frequency of monitorings shall follow those outlined for CCCs. The monitoring instrument however, should continue to be the appropriate confinement checklist. During the monitorings of this type of program, the contractor's procedures to verify inmate employment and the system for general accountability of inmates while in the community shall be closely examined and addressed in the report.

g. Contract confinement facility full monitorings shall be recorded on the appropriate standard monitoring checklist (see Attachment 4-9 and 4-10). Interim reviews shall be recorded on the standard Contract Confinement Services Interim Monitoring Report form (Attachment 4-11). Preparation of reports or letters and distribution of materials shall be handled the same as for contract CCCs.

#### **Non-Bureau Contracts**

a. These are contracts where the Bureau is listed as an authorized user of another Federal agency's contract ("piggyback" agreements). The USMS contracts are an example.

b. Community corrections staff shall inspect all non-Bureau contract facilities for suitability prior to placing inmates in the facility. The suitability inspection will be coordinated with the USMS. In addition to the Bureau staff inspection, the CCM shall obtain a copy of the latest USMS monitoring report.

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Some U.S. Marshal's rely on State inspections of contract jails, if this is the case, a copy of the State inspection should be obtained and maintained in the contract file. Duly authorized State inspections of contract jails is an acceptable inspection for BOP purposes. The suitability inspection shall be documented in the contract file.

c. In addition to the suitability inspection, Community corrections staff shall participate in a Joint Monitoring with USMS staff, once every three years. A copy of all USMS monitoring reports shall be maintained in the contract file. Larger non-Bureau contracts may require additional program oversight. At the CCRA's discretion, Community Correction staff may accompany the USMS Jail Inspectors more frequently.

d. If Community corrections staff learn of serious deficiencies at the facility, the concerns shall be communicated to the USMS office. If deficiencies are not corrected, the Bureau may choose not to use the facility. CCMs shall consult with their MCAs and CCRAs in these cases. Community corrections staff should not correspond directly with the contractor.

#### 4.5.7. MONITORING AND EVALUATION OF CCC CONTRACT PERFORMANCE

Monitoring a contractor's performance should be viewed as a daily, continuous, on-going, routine process and not limited to formal monitoring trips to the facility. The COTR is responsible for completing the Contractor Evaluation Form (CEF) "Report Cards" (see **Attachment 4-13**). The contractor's performance will be evaluated at least two times during the life of the contract. The first report card is required at the end of the two year base period with a follow-up to be completed at the beginning of the last option year when an RCA is submitted to the Central Office for a replacement contract. Once each report card is completed, it is sent to the contractor for comment. The contractor has 30 days to comment, rebut, and/or provide additional information to the COTR. If the contractor disagrees with the rating, the information will be reviewed by the MCA, who will consider the comments made by the contractor and decide the final rating. The MCAs decision must be in writing and completed within 15 days from receipt of the rebuttal statement. The MCA is the final authority. This contractor information will be used during the evaluation panel process.

The maintenance of chronological worksheets in each CCM Contract File emphasizes the importance of providing regularly scheduled and unscheduled oversight of a contractor's performance.

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The solicitation, which includes the applicable SOW, contractor's business and technical proposals, all provisions of and amendments to the solicitation, and any subsequent changes agreed to during negotiations, Clarification & Deficiencies (C&Ds) and Best and Final Offer(s) (BAFO(s)), establishes the contract.

The SOW outlines the government's minimum requirements and takes precedence over any contradiction in the contractor's proposal.

CCM office staff, ordinarily the COS, should carefully review all documents for indications of any possible "waivers" or "modifications" to SOW requirements that may have taken place during negotiations.

When monitoring CCCs, the following are examples of issues to keep in mind:

#### 4.5.7.1. **Administration**

- a. A review of the operations manual for the contractor's policies concerning use of force, conflicts of interest, handling funds, etc. should be accomplished.
- b. The requirement contractors attend training meetings the Bureau sponsors does **not** mean that one contractor in an area is brought into another contractor's facility to view their forms, procedures, etc., as a means of training. It means the contractor shall attend Bureau-arranged training (normally held every 12-18 months) either region-wide, or by management center, at a central location.
- c. Documentation is being maintained indicating facility staff meetings are being held monthly to foster communication, discuss problems, and ensure compliance with SOW requirements.
- d. The contractor conducts internal audits annually with written findings and planned corrective actions forwarded to the COTR.
- e. The contractor has documentation indicating searches of the facility and personal belongings of the residents are being conducted, at least once per month.

#### 4.5.7.2. **Personnel**

- a. The written job descriptions should be reviewed to determine if they accurately describe the current duties being performed by the respective employees and if the people in those positions meet minimum qualifications as outlined in the job

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descriptions. The contractor should provide the full name, date-of-birth, race, sex, and social security number, for all new or replacement staff, so integrity checks (NCIC/NLETS) can be performed prior to their working with Federal offenders.

b. Additional background checks on contract staff need to be performed when necessary (i.e., fingerprints, local law enforcement checks, etc.). Bureau staff must verify the information contained on the applications and resumes of CCC staff of Program Director level or higher.

c. Staff integrity issues are critical. The contractor should be training staff in this area frequently. There should be a clear understanding by all contract staff as to what is and is not appropriate.

For specific procedures regarding the receipt, handling, and closure of CCC contract staff allegations of misconduct or other integrity issues in connection with privately operated contract CCC programs, see Attachment 4-12.

d. Persons under any correctional supervision are prohibited from having anything to do with Federal offenders. If the contractor wants to consider an individual for employment who has a prior criminal conviction(s), but is not presently under supervision, Bureau review and approval, on a case-by-case basis, must take place **before** an individual performs any services under the contract, to include having contact with Federal offenders.

e. The facility staffing pattern must be monitored closely to ensure conformity with the terms of the contract. Special emphasis should be placed on how long positions remain vacant and what steps the contractor is taking to hire new staff.

f. Residents shall not perform work for the facility or be used in lieu of paid workers.

#### 4.5.7.3. **Facility**

a. The facility's location should not have an adverse affect on the community or residents.

b. Adequate space, aesthetics, and facility services should be examined.

c. Continued compliance with all zoning, building and other codes must be ensured.

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**4.5.7.4. Safety/Sanitation/Environmental Health**

- a. This area should be given careful inspection during monitoring visits. Ensure bedding materials meet the applicable code(s). Particular attention must be paid to sanitation, noting general cleanliness in all areas, the frequency inspections are made, and if a log of sanitation work assignments is kept and available for review.
- b. Evidence all inspections are occurring in a timely manner should be reviewed.
- c. The contractor shall be able to demonstrate and document the ability to conduct fire evacuation drills at the facility.
- d. Extension cords are not to be used in lieu of hard or permanent wiring.
- e. A written program is to be in effect and compliance is to be maintained concerning the storage, issuance, handling, and accountability of flammable liquids, hazardous chemicals, toxic, and caustic materials used within the facility.

**4.5.7.5. Referral and Intake Processing**

- a. The Federal Bureau of Investigation (FBI) will neither issue fingerprint cards to non-government facilities, nor will they accept cards from such facilities. Since fingerprints are to be taken on all residents for identification purposes, the CCM office must provide fingerprint cards to the contractor. The CCM office forwards cards for Direct Court Commitments to the FBI (or another government agency can do it if Bureau staff can make such an arrangement). Centers operated by state correctional or parole agencies should forward fingerprint cards to the FBI in accordance with their own procedures.

Community corrections staff must assist private contractors in locating a resource to take fingerprints, or when necessary, the COS shall train contractor staff in the taking of fingerprints.

Other sources of possible fingerprint training are the USMS, local police, or other law enforcement agencies. Contractor staff must accompany residents when prints are taken. Photographs and fingerprints are required on all Federal offenders housed under a Bureau contract.

- b. All Judgment and Commitment Orders are being executed and distributed in accordance with Bureau policy.
- c. The confidentiality of case records is being maintained.

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4.5.7.6. **Programs**

- a. Examination of program components should be completed to ensure appropriate privilege and supervision requirements are followed.
- b. Contractors must develop a network of community resources to meet the needs of Federal offenders assigned to their care. These resources must include a minimum of those listed in the SOW for the contract facility. CCMs should encourage the contractor to use volunteer groups and programs. It is the CCMs' responsibility to ensure procedures used to select and train volunteers follow the same standards of conduct and screening procedures that apply to paid employees.

- c. Resident files maintained at the CCC should be closely reviewed to ensure each resident has a descriptive, written program plan.

Case notes should clearly address a resident's progress in:

- !
- !
- !
- !
- employment,
- housing,
- substance abuse counseling, and
- other transitional or treatment needs.

- d. Program subsistence collection procedures should be reviewed. Special emphasis should be on:

- !
- !
- !
- !
- collecting appropriate amounts,
- following procedures to modify or waive the amount,
- internal control measures, and
- receipt and disposition of collected monies.

- e. During all reviews, employment records of all Federal residents should be closely reviewed.

f. Substance Abuse

- (1) Offenders with a condition of drug aftercare or history of substance abuse are required to be in drug counseling while at the center, rather than waiting until they are released from the CCC. Whenever possible, the resident should receive counseling from the same person and/or agency the USPO requires when released to supervision. The primary exception to this is when the CCC has a specialized drug counseling program or counselor that is an integral part of the contractor's program.

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(2) Contractors must meet with the USPO to develop a counseling program for the resident with drug aftercare as a condition of release.

If the contractor sets up a conference and the USPO does not attend, then the contractor's responsibility is met.

The CCM, however, should contact the USPO to discuss this issue since the USPS has agreed to assist our contractors in setting up counseling sessions.

(3) Random urinalysis specimens should be taken at the rate of one for every 10 residents or less per month; between 11 and 20 residents, two tests are required per month; between 21 and 30 residents, three tests are required per month, and so on. The total number of residents upon which the rate should be based should not include USPS cases. Residents with a drug aftercare condition or a history of drug abuse should provide four urinalysis specimens every month.

Residents who are members of disruptive groups shall be administered a random urinalysis at least once per month.

All urinalysis specimens shall be taken on an unannounced, surprise basis and tested for all drugs/substances noted in the PRIMARY TEST PANEL included in the SOW.

(4) The COS is responsible for maintaining a file containing the monthly urinalysis specimen report contractors submit. A tracking system should be developed to ensure the required number of urinalysis specimens are collected.

(5) In the urinalysis specimen program, contractors are required to establish a procedure for the chain of custody from the point of receiving the bottles, through mailing samples to the laboratory. The COS must check this procedure to ensure specimens are kept secure from all residents and other unauthorized persons.

(6) The USPS is responsible for drug aftercare services (urinalysis, alcohol testing, and counseling) for supervision cases (those persons under supervision of the USPO).

g. Staff must review the contractor's method and plan of issuing passes to determine:

- ! how soon after admission the first pass is issued;
- ! the length of time for a pass;
- ! if there is a graduated policy;

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!  
! who signs the passes; and  
! accountability during the pass period, etc.

h. The contractor is required to contact the USPO for comments on passes and furloughs that have been recommended for a resident. If the USPO does not respond after reasonable attempts at communication, the contractor has met the requirement and should proceed with the next step.

These attempts to contact the USPO should be documented. The CCM should be alert to requests for furlough on Central Inmate Monitoring (CIM) cases, checking on separatees, and requesting clearance for any furlough outside the immediate area.

The inmate-day rate for residents in this status is ordinarily 50% of the regular inmate-day rate.

i. The contractor should not reserve a bed for Home Confinement residents.

The CCM should ensure the USPO is involved in the decision to place an inmate on Home Confinement. The rate for residents in this status is ordinarily 50% of the regular inmate-day rate.

j. The COS is responsible for providing necessary Bureau forms to the contractor. These forms can be obtained through normal ordering procedures. In emergencies, forms can be obtained from a nearby Federal institution.

#### 4.5.7.7. **Discipline**

a. Determine if current facility rules, regulations and sanctions are acceptable and have been approved by the CCM.

b. Examine the discipline process and procedures to ensure they meet the requirements of the SOW.

#### 4.5.7.8. **Services**

a. Ensure food services are in accordance within the Statement of Work and comply with all Federal, state and local regulations for nutritional, well-balanced meals.

b. Examine availability of medical services and ensure 24-hour access to these services continues to exist. Appropriate staff are to be trained in emergency first-aid and CPR.

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**4.5.7.9. Records And Reports**

- a. The system should ensure privacy and eliminate confidentiality concerns.
- b. Appropriate records and reports are to be understood, completed, and forwarded by the contractor.

**4.5.7.10. Release Preparation**

- a. The contractor shall handle each release preparation case appropriately.
- b. The correct release documents shall be completed and forwarded in a timely manner.
- c. When release occurs, the contractor shall follow termination requirements as outlined.

**4.5.7.11. Escapes**

Escapees shall be promptly identified and the contractor shall make timely notifications.

**4.5.7.12. Serious Illness, Injury, or Death of a Resident**

The contractor shall handle any serious injuries or as specified in the SOW. In all cases the CCM shall be promptly notified.

**4.5.7.13. Residents Under Supervision**

The contractor shall have a clear understanding of the implications of this legal status and differences in handling these cases.

**4.5.7.14. Research and Evaluation**

The contractor shall consult with its staff and the CCM before collecting data. This information is very important for planning and analytical purposes.

**4.5.8. CONTRACTOR TRAINING AND MANAGEMENT/TECHNICAL ASSISTANCE**

One of the Bureau's goals is to increase the quality of contract corrections provided to Federal inmates. CCM office staff are responsible for providing on-going assistance in the training of contractor staff. Assistance, however, in the form

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of Bureau training never relieves the contractor from its legal obligation of providing fully compliant contract performance during the entire performance period.

#### 4.5.8.1. Training

a. On-Site CCM Training. At least annually, CCM office staff shall hold either individual or group training sessions with contract staff and provide an orientation to all newly employed CCC staff at the contractor's facility, using Bureau or outside resources. Staff must be aware of any self-contained training packages the Bureau produced. Annual training shall include:

! discipline,  
! integrity,  
! accountability,  
! life/safety, and  
! other relevant issues.

b. Each region shall hold a contractor training conference or forum, on a Region-wide or Management Center level, every 18 months. This conference should focus on Management Center, Regional and National Community corrections and other relevant issues. Resource staff and guest speakers might include Federal Judges and Probation Officers, the Director, Assistant Director, and Regional Director, the CCA, and representatives from the Bureau Procurement and Property Branch.

c. If key contractor personnel leave their positions, their replacements must receive training within 90 days at the contractor's expense. Key personnel are the foundation of a model CCC operation. Training programs help contract staff better understand the Bureau's requirements and operations.

d. The CCM should document training given and to whom, either by individual certificate or letter. This documentation lends credence to the contractor's knowledge of Bureau requirements and may be useful if inmates initiate litigation. A copy of this training document shall be maintained in the CCM Contract File. If the training program used an agenda it should be attached. Be sure to document the use of any training resources in the memo.

e. USPO Contacts. One of the most important aspects of a contract CCC is its relationship with the USPS. It is the CCM's responsibility to serve as a liaison between the CCC and the local USPO. The CCM will help in solving problems that occur between the USPO and the CCC and in some situations will work out

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a direct conflict between them.

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4.5.8.2. Management/Technical Assistance

Management/technical assistance is provided in the areas of staffing, facilities, and programs.

a. Staffing

- (1) Identify available training opportunities.
- (2) Arrange visits to Federal institutions for contract staff.
- (3) Encourage contract staff participation in professional organizations.
- (4) Emphasize the importance of CCC staff training and retention programs.

b. Facility

Ensure the contractor meets Bureau requirements regarding safety, sanitation, permits, etc., in connection with the facility and services.

c. Program

- (1) Make sure contract staff are aware of available state and local programs, such as mental health programs and employment training and assistance.

- (2) Assist contractors to develop student intern programs that can aid in providing counseling services.

d. Reporting of Management/Technical Assistance

CCM office staff shall report, in writing, to the MCA and CCRA, any management assistance they provide to any agency of the criminal justice system.

4.5.9. **AUTOMATED DATA PROCESSING REQUIREMENTS**

The CLPS is an automated contract information system maintained in the SENTRY database. This system provides technical and descriptive information about contracts and is used by all Bureau staff to locate facilities. In addition, it provides community corrections staff with information on monitorings, contract expiration dates, quotas, etc.

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Instructions for data submission and general use of the system are contained in the **Technical Reference Manual on SENTRY General Use**. It is essential that CCM office staff update the information whenever contract resources are added, deleted, inspected, or whenever the descriptive information is changed.

When USMS inspections of contract jails are made between Bureau inspections, staff shall update the system to reflect the audit.

#### **4.5.10. MODIFICATION OF SOW/CONTRACT**

Modifications may be made to the SOW when certain additions or deletions (within the scope of work of the existing contract) are necessary and adjustments in the price or services are not required. Modifications which are determined to be significant changes to the SOW or requirements of the original contract can jeopardize the remaining unexercised periods of performance contained in the originally awarded contract.

If the COS believes it is advantageous to the government to modify the contract, he or she must submit a RCA through the CCM, MCA, and to the CCRA, who forwards it to the CO through the CCA.

#### **4.5.11. OPTION YEAR CONTRACTS**

Once the COS determines the need for continued CCC services with an existing contract, the COTR shall submit an electronic request to the Community Corrections Branch, the CCRA, and the MCA, to exercise the next option year. The submission must be completed four months in advance of the end of the performance period.

For contracts in excess of \$25,000 but less than \$500,000, the COS shall submit an Individual Acquisition Plan (IAP) along with their request to exercise an option year.

For contracts over \$500,000 CCB will complete and submit an APP directly to the CO.

#### **4.5.12. PERFORMANCE PROBLEMS**

Any problems regarding contractor performance must be thoroughly documented. Ordinarily, the contractor must be notified of the problem(s) and given an opportunity to take corrective action. This is characterized by the monitoring process, but may occur anytime circumstances warrant such notification/corrective action/follow-up measures.

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#### 4.5.13. ADVERSE ACTION NOTICES

While informal resolution is always preferred, failure to meet contract requirements require immediate attention and may, if not corrected, necessitate an adverse action notice from the CO or the COTR directing the contractor to cure the problem. Only the CO, with concurrence of legal staff, is authorized to issue an adverse action notice (Cure Notice). Ordinarily, this notice is only issued when recommended by Community corrections. The COTR may take an adverse action by withholding an appropriate amount of funds from the contractor, under the Inspection of Service Clause, FAR 52.246-4.

##### Withholding

When a contractor fails to perform in accordance with the Statement of Work the COTR may withhold an appropriate amount of funds from the contractor. In most cases, the performance problems have been brought to the attention of the contractor verbally, in monitoring reports, and through other correspondence. A withholding of funds is usually the final action before a cure notice is issued by the contracting officer.

Before the COTR sends the withholding letter to the contractor, the circumstances should be discussed with the Central Office Community Corrections Contracting Sections Chief. If all concerned agree that the proposed withholding is appropriate the COTR may send the withholding letter to the contractor.

##### Cure Notice

The CCM (COTR) must submit the request for a Cure Notice in written memorandum and forward it, express mail, if necessary, through the MCA, CCRA and CCA, to the CO. The request must be very specific, thoroughly descriptive, and cite specific provisions of the contract (chapter, page, and paragraph of the SOW, proposal, etc.). A discussion outlining when the contractor was notified of the problem; how much time was allowed to correct the matter; and the state of the non-compliance with the terms of the contract, as it currently exists, must be included.

If a reviewer (MCA, CCRA, CCA, or legal staff) or the CO find the request unwarranted, a written explanation of the rationale and recommended course of action(s) shall be returned to the previous reviewer(s) and to the CCM, with the original request.

Copies of these documents shall be maintained in the respective office contract files.

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After the CO issues a Cure Notice, and the specified time period lapses, an on-site inspection is typically required to evaluate whether the contractor has corrected the problem(s). A written report of the findings of the inspection shall be provided to the CO through the MCA, CCRA, and CCA. Failure on the part of the contractor to correct the problem(s) may result in termination of the contract.

#### **4.5.14. TERMINATIONS**

A recommendation for termination by the CCM shall be made only after an appropriate Cure Notice has been issued by the CO, and after legal staff and the CO have reviewed and concurred. A termination is used after all other efforts have failed. All termination requests the CCM submitted should be processed through and have the concurrence of the MCA, CCRA and the CCA prior to being forwarded to the CO.

#### **4.5.15. CONTRACT CLOSURE**

Upon expiration (or termination) of a contract, the CCM shall forward a BOPNet E-Mail message to the CO, with copies to the MCA, CCRA and CCA, that indicates:

- a. the contractor has completed services under the contract and all options have expired;
- b. the date and number of the final invoice and when it was received;
- c. when the invoice was certified and forwarded for payment;
- d. the amount of excess funds (ordinarily one month's accrual, if any) that need to be deobligated; and,
- e. the voucher number\* and date (these will appear on the copy of the SF-1034 returned by the pay station).

[\*This is the number assigned by the pay station before the voucher is forwarded to Treasury for payment.]

Following contract closure, all original documentation not a part of the official contract file should be mailed to the CO. All other contract documents maintained in the CCM Contract File may be destroyed.

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## REQUEST FOR CONTRACT ACTION (RCA)

(CO Use Only:      RCA NO: \_\_\_\_\_      RFP NO: \_\_\_\_\_ )

1. Type of Action Requested (Check One):

a. New ( ) b. Replacement ( ) c. Modification ( )

If New or Replacement is checked, identify the following:  
Type of Services:

Location - City: \_\_\_\_\_ State: \_\_\_\_\_  
County(s): \_\_\_\_\_

## Statement of Work (SOW) :

SOW page changes attached: yes ( ) no ( )

If Modification is checked, complete the following:

Contractor Name: Contract  
Number: Location Code:

2. Justification and Explanation for this request:

3. Period services will be required: - - through - -

#### 4. Fiscal Data

a. Accounting Code: - - - - -

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b. Estimated Inmate-Days and Expenditures:

Contract Period(s) Per Capita	Inmate-days/Beds	Cost Estimate Per Period
Base Period (Total)		
____ - ____ - ____	through M: / M: \$	(Inmate-day) \$
	F: / F: \$	
Total:	/	Total: \$
Contract Period(s) Per Capita		
Option Year #1 (Total)		
____ - ____ - ____	through M: / M: \$	(Inmate-day) \$
	F: / F: \$	
Total: / Total: \$		
Option Year #2		
____ - ____ - ____	through M: / M: \$	\$
	F: / F: \$	
Total:	/	Total: \$
Option Year #3		
____ - ____ - ____	through M: / M: \$	\$
	F: / F: \$	
Total: / Total: \$		

5. Suggested Sources: Include complete address, contact person and telephone number for each source provided. NOTE: If this is a replacement requirement, asterisk the incumbent provider and include their Contract Number, Location Code, Per Diem rate and Expiration Date.

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6. List all existing Bureau of Prisons contracts providing similar services within 50 miles of the location identified for this request. Include the contractor name, contract number, location code, per diem rate and expiration date for each contract listed.

7. For billing purposes, provide the Community Corrections Manager's name, mailing address and telephone number below:

8. Requested, Reviewed, and Approved by: Date:

CCCOS: \_\_\_\_\_

CCM: \_\_\_\_\_

MCA: \_\_\_\_\_

CCRA: \_\_\_\_\_

CCAA: \_\_\_\_\_

Received by CC Contracting Section \_\_\_\_\_

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## MILESTONES FOR CONTRACT AWARD

RCA	DOL	CBD	RFP ISSUED/CLOSED	TECHNICAL	C&D	B&F	RECOMMEND	DOCNT	SUP	LEGAL	OPE	AWARD	PRE-OC	INSP																		
			REVIEW PANEL &		AWARD	FOR	RVW	REVIEW	REVIEW	AND																						
<b>PRE-SITE VISIT</b>																																
AWARD PERFORMANCE																																
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* 21	*	*	*	*	*	*	*	*	5	*	*	*	*	*																		
*\$\$\$\$\$*\$	67	*	30	*	*	*	*	*	14	*\$\$\$\$\$*	14	*	*	*																		
*	*\$\$\$\$\$*\$	60	*	*	*	*	*	10	*\$\$\$\$\$*	*\$\$\$\$\$*	14	*	*	*																		
*	*	*	*\$\$\$\$\$*\$	42	*	*	30	*\$\$\$\$\$*\$	*	*	10	*	*	*																		
*	*	*	*\$\$\$\$\$*\$	30	*\$\$\$\$\$*\$	*	*	*	*	*\$\$\$\$\$*	*	*	*	*																		
*	*	*	*\$\$\$\$\$*\$	*	*\$\$\$\$\$*\$	*	*	*	*	*\$\$\$\$\$*\$	*	*	*	*																		
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#### \* RCA - Request for Contract Action

\*

\*

\* DOL - Department of Labor - Request for Wage Determination  
Contract Act

\*  
\*

\* CBD - Commerce Business Daily - Advertising of Requirements

\*

\* RFP - Request for Proposals

\* S&P Classification

\* C&D - Clarifications and Deficiencies, Negotiation Process

\* B&F - Best and Final Offer

\* OPE - Office of Procurement

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**CONTRACT OVERSIGHT SPECIALIST PRELIMINARY SITE  
INSPECTION REPORT**

RFP #: \_\_\_\_\_

DATE OF INSPECTION: \_\_\_\_\_

OFFEROR: \_\_\_\_\_

SITE ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

OFFERORS REPRESENTATIVE(S) ON-SITE DURING INSPECTION (Name and Title):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SITE INSPECTION TEAM MEMBERS (Name, Position, and Office)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This Preliminary Site Inspection was performed to evaluate the offeror's facility in accordance with the solicitation's evaluation criteria for facility and location and Statement of Work (SOW).

**INTRODUCTORY COMMENTS**

Be definitive and cover such things as:

A. If multiple-dwelling, how many units? What will the other units be used for, if not CCC purposes? Is it multiple floors? What's on other floors, if not intended for CCC purposes? Were they inspected?

B. Who, if anyone, was present representing the offeror? Who, in addition to the COS, assisted in the inspection? Is the RSS report being mailed separately or is it included/attached?

C. Were any plans given to you? Did you view any? Any attached? Did the offeror discuss his/her plans for the facility or just walk around the building with you? Do they have any idea of how and in what way they plan to utilize the structure?

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Facility Utilization:

1. How many residents can the facility accommodate? Can the facility accommodate the residents/inmate-days for the Base and Option Years identified on this solicitation?
  
2. Is the area zoned for a CCC? Or is the zoning such that a zoning variance will be required? What source(s) provided you with this information?
  
3. Is the facility within one mile of public transportation? (Describe what kind it is; if none exists, what plans, if any, were discussed or outlined to you for transporting CCC residents to the general area of employment opportunities? How did you determine this area can be reached within one and one-half hours?)
  
4. Is the facility located in a high crime rate area? (How did you determine this? Cite all sources and the nature of their comments or actions; attach any and all documentation that supports your determinations.)
  
5. Is the facility accessible to the physically handicapped? (If not, what plans, if any, were discussed or outlined to you for handicapped accessibility?)

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6. Discuss the facility's capability to provide for at least 60 square feet of personal living space per resident, through the final option year. (Four square feet may be closet space, but this space may not include common areas, hallways, or bathrooms. Does a local or state law or regulation require more space? Actual measurements are required.)

7. How many of the following are accessible to the resident population: Wash Basins \_\_\_\_\_ Shower/Bathing Areas \_\_\_\_\_ Toilets \_\_\_\_\_.

8. Is hot water thermostatically controlled not to exceed 120 degrees Fahrenheit? (How determined?)

9. Did you notice any pest or vermin? Y or N (If "Y", describe.)

10. How many washers and dryers does the facility have that are accessible to the residents? Is there a commercial laundering facility within one mile of the facility?

11. Do telephone facilities exist on the premises that would be accessible to the residents? Y or N (If "N", where is the nearest public phone?)

12. How far from the facility is the nearest Fire Department or Fire Protection Service?

13. How far from the facility is the nearest public medical facility that operates on a twenty-four hour per day basis? (Hospital? Clinic?)

14. Can the facility accommodate both sexes? Y or N (If "Y", discuss the reasonable separation and supervision of the residents.)

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15. Is this facility specifically being designed for this contract? Does it, or when renovated could it, have the capacity to house other than Federal offenders above the Bureau's estimated number of beds in this solicitation?

16. Is there a kitchen and dining area capable of accommodating the estimated number of Federal offenders (normally 15 sq. ft. per person)? (Describe the accommodations.)

17. Describe the space for group meetings, visiting, indoor recreation, and counseling (normally 15 sq. ft. per person): (Is it adequate to accommodate the population?)

18. Describe the surrounding neighborhood:

19. General Comments:

Distribution: -Evaluation Panel Chairperson  
-CCM Office File  
-MCA  
-CCRA  
-CO

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Attachment 4-4, Page 1

**REGIONAL SAFETY SPECIALIST PRELIMINARY SITE  
INSPECTION REPORT**

Date of Report: \_\_\_\_\_

RFP#: \_\_\_\_\_ Date of Inspection: \_\_\_\_\_

Report Completed by: \_\_\_\_\_

Position: \_\_\_\_\_

Offeror: \_\_\_\_\_

Site Address: \_\_\_\_\_  
\_\_\_\_\_

**INTRODUCTORY COMMENTS:** Be definitive and cover such things as:

A. The applicable edition of the Life Safety Code and Statement of Work (SOW) reference during this inspection.

B. Type of structure, age, and general condition of the building. Will major renovations be required to comply with NFPA-Life Safety Codes/SOW requirements?

C. Were floor plans given to you? Are any attached? If present, did the offeror or his/her representative discuss their plans for the facility with you?

**DEFICIENCIES:**

Identify/describe what facility repairs, if any, must be accomplished to bring the structure into conformance with the NFPA-Life Safety Codes/SOW.

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**RECOMMENDATIONS:**

**GENERAL COMMENTS:**

**DISTRIBUTION:** - Evaluation Panel Chairperson

- CCM Office File
- MCA
- CCRA

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Attachment 4-5, Page 1

**PREOCCUPANCY INSPECTION**

Contract #: \_\_\_\_\_ Award date: \_\_\_\_\_

Scheduled Performance Date: \_\_\_\_\_

Date Award Notification Received: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_ Contract Location Code: \_\_\_\_\_

Facility Name and Address: \_\_\_\_\_ Contractor Name and Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Preoccupancy Inspection Team:  
\_\_\_\_\_  
\_\_\_\_\_

**INSTRUCTIONS:** This inspection is to determine if the contractor has made required renovations to their facility and has the essential resources to begin performance under the terms and conditions of the contract. Of particular importance are all negotiated items that may have modified, waived, or clarified requirements in the Statement of Work (SOW), or other provisions of the contracts.

This is an internal, working document and does **NOT** go to the contractor. The findings and corrective action resulting from this inspection are transmitted from the COTR (CCM) to the contractor for correction. Federal offenders should not be placed in the facility if it is not ready to accept Federal offenders, particularly if the deficiencies present a life safety threat to the occupants.

1. Introduction

Ordinarily, the Contract Oversight Specialist (COS) and the Regional Safety Specialist (RSS) will be performing all preoccupancy inspections for CCC services. Prior to performing a preoccupancy inspection, a thorough review of the facility's

Preliminary Site Inspection findings (Attachment 4-3 and 4-4), written negotiations, and a review of the SOW should be accomplished. For example, required renovation of the structure to include a fire escape or the installation of a sprinkler system during the Preliminary Site Inspection, should have been

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clarified during negotiations (C&D's). Unless you have received and reviewed this information, you cannot perform a proper preoccupancy inspection.

2. Facility

a. Following review of the Preliminary Site Inspection report and contract negotiation documents, list below what renovations/repairs/improvements, etc. the contractor has agreed to and should be completed to comply with the SOW/NFPA Life Safety requirements. (Attach additional sheets if necessary.)

b. What other items related to the facility needed to be installed or repaired? (Installation of washers and dryers, telephones, additional sinks/toilets/showers, lockers/closets, remodeling of counseling or visiting rooms/areas, etc.)

c. Review proof of zoning and other required licenses or permits.

d. Verify the following standards: air ventilation, lighting, square footage per resident, separate facilities (if co-correctional), handicap accessibility, space and furnishings for group meetings/visiting/recreation, and dining area.

e. Verify pillow and mattress standards are met.

f. Ensure written fire and evacuation plans, including diagrams, are posted in a conspicuous place.

g. Review provisions for immediate fire department notification, if necessary.

3. Administration

a. Review the contractor's operations manual.

b. Review the contractor's policy/procedures for funds accountability. (Receipt, disbursements, etc.)

c. Review the contractor's policy prohibiting an employee from using their official position to secure privileges or advantages.

d. Review the contractor's liability and property insurance policy to ensure coverage for the facility and equipment.

4. Personnel

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- a. Ensure the numbers and types of staff specified in the contract have been hired by the contractor.
- b. Have perspective staff names, social security numbers, dates-of-birth, race and sex been provided so NCIC/NLETS can be performed?
- c. Have you taken the fingerprints of the Facility Director and **all** other staff that have been hired by the contractor to perform services under this contract?
- d. Obtain copies of the Facility Director's employment application and resume. BOP staff must verify the information contained in these documents (degrees, prior positions of employment, etc.). Ensure the contractor has performed these same checks on all other contract staff. Review documentation.
- e. Review the content of the initial orientation training to be provided to all new employees during their first week of employment.
- f. Compare each employee's qualifications against the job description for their position to ensure they meet the minimum qualifications for the job.
- g. Examine the contractor's work schedule to ensure it clearly defines the duty hours of each staff member.
- h. Ensure the contractor has advised all employees of the Standards of Conduct, and their notification has been documented.

## 5. Intake/Programs

- a. Review policies and procedures for the referral and intake process.
- b. Examine the network of community resources and services the contractor is developing to assist offenders, particularly for employment purposes.
- c. Does the substance abuse counselor meet minimum qualifications.
- d. For substance abuse testing services, is the contractor ready to process samples (logs, bottles, alcolyzer, etc.)?
- e. Examine sign-out log to ensure the proper information is recorded.

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f. Has the contractor provided for in-house recreation activities (such as, television, table games, exercise equipment, etc.)?

6. Discipline

a. Has the contractor submitted their list of center rules and minor sanctions to the CCM for approval?

b. Ensure the contractor has the appropriate forms, and in a sufficient supply. The contractor should be well-versed in exactly what steps and procedures are required in disciplinary proceedings.

7. Services

a. Review the food service program. Are the facilities ready to begin operations? Menus have been reviewed and approved?

b. Have appropriate licenses and permits been obtained?

c. Is a written agreement with a local restaurant in place, (if applicable)?

d. Review the written arrangements ensuring the availability of 24-hour emergency medical care.

e. Have appropriate staff been trained in emergency first aid and CPR?

f. Does the contractor have basic first aid supplies on-site?

8. Record System

a. Review the record and report system designed by the contractor to ensure it meets privacy standards.

b. Examine the resident's finances record sheets or log. Is the appropriate information going to be collected?

9. Escape

a. Have escape notification procedures been established?

10. Research and Evaluation

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Examine the organized system of information collection, storing, retrieval, reporting, and review. Have center staff and BOP staff been consulted in identifying information needs?

Inspection Team Certifications:

Signature	Title	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

Distribution: Original--CCM Office Contract File (Attached to a copy of the letter sent to the contractor.) Copy--Contracting Officer via the CCM, MCA, CCRA, and CCA (Attached to a copy of the letter sent to the contractor from the COTR (CCM).)

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Attachment 4-6 Page 1

## **MONITORING REPORT FORMAT**

Contractor Name: \_\_\_\_\_

Contract Number: \_\_\_\_\_ Assignment Code: \_\_\_\_\_

### **Background**

- If first full monitoring, provide background information of award
- Contract quota and utilization over the past 6-12 months. Identify any trends in utilization (e.g., Federal, pretrial, state, home confinement, urban work camp, MINT etc.)
- Significant changes since last monitoring (modifications, staff changes, structural facility changes, etc.)

### **Scope of Monitoring**

- Type of monitoring (Full, Interim)
- Date(s) and time(s) staff were at the facility
- Any continuing concerns
- What were the findings of the previous full monitoring (if applicable)

### **Findings**

- Identification should be clear and concise and indicate the degree to which the program is deficient.
- Should include a reference to the requirement contained in the contract/SOW.
- Specify the corrective action to be taken and the date/number of days in which the contractor is to provide the CCM with a written response.

### **Comments/Recommendations**

- Strengths/Weaknesses

---

Signature - Community Corrections Manager/  
Contracting Officer's Technical Representative

---

Date

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Attachment 4-7 Page 1

**COMMUNITY CORRECTIONS CENTER FULL MONITORING  
INSTRUMENT**

CONTRACTOR NAME: \_\_\_\_\_

CONTRACT NUMBER: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

PLACE OF PERFORMANCE: \_\_\_\_\_

(Complete address)  
\_\_\_\_\_

Date(s) & Type of Last Monitoring: \_\_\_\_\_

Type Use: \_\_\_\_\_ Major \_\_\_\_\_ Moderate \_\_\_\_\_ Minor

Average Daily Population Last Six Months: \_\_\_\_\_

Current Population:

\_\_\_\_\_ Total \_\_\_\_\_ BOP \_\_\_\_\_ USPO \_\_\_\_\_ Pretrial \_\_\_\_\_ NonFederal

Bed Capacity for Federal Offenders: \_\_\_\_\_ Quota \_\_\_\_\_ Max Cap

Other agencies this contractor performs services for are:  
\_\_\_\_\_

Inspection Team: (Name & Job Title)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

(Name & Job Title) Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

(Name & Job Title)

**(Note: This instrument requires "working papers" which clearly support how the findings in each area were determined. Attach additional sheets as necessary for Discussion/Findings.)**

**Activity Sheet**

(At a minimum, record the inspection team's specific date(s) and time(s) of arrival to and departure from the facility. Feel free to add any additional information relevant to the inspection team's activities).

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Team Member Name	Arrival Date / Time	Departure Date / Time
------------------	------------------------	--------------------------

Additional Information Relative to Team's Inspection Activity:

**ADMINISTRATION AND ORGANIZATION**

- \_\_\_\_\_ 1. Does the contractor have documentation indicating their standing as a legal entity, or part of a legal entity?
- \_\_\_\_\_ 2. If a sole proprietorship, does the contractor have documentation indicating that legal measures have been taken to provide for continuity of service in the event of incapacitation, retirement, or death?
- \_\_\_\_\_ 3. Does the contractor have a written organizational chart that outlines the structure of authority, responsibility, and accountability within the contractor's facility and parent agency?
- \_\_\_\_\_ 4. Does the facility manager hold meetings at least monthly with facility staff to foster communication, establish policy, discuss problems, ensure compliance with requirements, and implement programs?
- \_\_\_\_\_ 5. Does the contractor maintain a current written operations manual that is available to staff, and reviewed at least annually? Is it updated annually to reflect current policy?
- \_\_\_\_\_ 6. Does the contractor have a written system for disseminating new or revised policy and procedure to staff, volunteers, and if appropriate, to residents?

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\_\_\_\_ 7. Does the contractor conduct an internal audit of the program on at least an annual basis, using the SOW as a guide? Is a copy forwarded to the CCM?

\_\_\_\_ 8. Does the contractor attend and participate in meetings/training sessions scheduled by Bureau of Prisons?

\_\_\_\_ 9. Does the contractor have a written set of long-range goals which are reviewed and updated annually?

\_\_\_\_ 10. Does the contractor have a written policy to prevent conflict of interest which specifically states that no employee may use his or her official position to secure privileges or advantages?

\_\_\_\_ 11. Does the contractor have documentation of its tax exempt status, (if applicable)?

\_\_\_\_ 12. Does the contractor have written policy and procedures for receipt, safeguarding, disbursement and recording of funds that comply with generally accepted accounting practices?

\_\_\_\_ 13. Does the contractor have liability and property insurance for the facility and equipment?

\_\_\_\_ 14. Does the contractor have written policy specifying that equal employment opportunities exist for all positions?

\_\_\_\_ 15. Does the contractor ensure a resident is never in a position of control or authority over other residents?

\_\_\_\_ 16. Does the contractor prohibit the use or possession of lethal weapons in the contract facility?

\_\_\_\_ 17. If there have been instances of physical force used to control resident behavior, did the contractor send written reports to the CCM within 24 hours? Was the contractor's decision to use it based on good judgment?

\_\_\_\_ 18. Does the contractor conduct searches of the facility and personal belongings of residents, to include automobile searches, at a minimum of once per month? Does the contractor conduct pat searches? Do contractor staff only conduct strip searches with the approval of the director, and then, by the same gender staff and with two staff members present? Is the basis for and results of the strip search documented?

\_\_\_\_ 19. Are 75% of the services required in this contract provided by the contractor's staff?

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\_\_\_\_ 20. If accredited, does the contractor possess documentation of this status? If not accredited, does the contractor plan to achieve this status? \_\_\_\_\_ When? \_\_\_\_\_

\_\_\_\_ 21. Have any continuing or permanent deviations from the provisions of the Statement of Work or proposal been submitted for approval by the contractor through the CCM to the Contracting Officer?

\_\_\_\_ 22. Has the contractor provided for the translation of facility rules, emergency diagrams, and other related documents into a foreign language as required by the composition of the resident population?

\_\_\_\_ 23. Does the contractor ensure that residents are not used for medical, pharmaceutical or cosmetic experiments?

\_\_\_\_ 24. Do contractor staff, especially key personnel, know what SOW services are provided?

**Discussion/Findings**

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**PERSONNEL**

\_\_\_\_ 1. Does the facility have 24 hour per day fully dressed, wide-awake staff coverage by paid staff?

\_\_\_\_ 2. Is the negotiated staffing pattern still in place? If population has significantly changed (+ or - 25%) has the original staff/inmate ratio been maintained?

3. Does the contractor have written personnel policies which include:

--- staff training, development and retention  
--- affirmative action  
--- grievance & appeal procedures  
--- orientation  
--- employee performance evaluation  
--- personnel records  
--- hours of work  
--- disciplinary procedures  
--- terminations  
--- resignations

\_\_\_\_ 4. In addition to paid staff, are volunteers used at the discretion of the CCM, and subject to screening and standards of conduct identical to that for paid employees?

\_\_\_\_ 5. Does the contractor have job descriptions for all staff positions performing services under this contract? Does each job description accurately describe duties for the position and include, at a minimum, the job title, the responsibility of the position, and the required minimum education and experience?

\_\_\_\_ 6. Does the contractor discriminate or exclude from employment women working in men's programs or men working in women's programs?

\_\_\_\_ 7. Does the contractor have written policy providing for a probationary term followed by permanent status for new or promoted employees?

\_\_\_\_ 8. Does the Center Director meet the minimum education and experience qualifications for that position as defined in the SOW?

\_\_\_\_ 9. Does the contractor maintain a complete, confidential, and current personnel record for each staff member?

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\_\_\_\_ 10. Does the contractor evaluate each employee's performance on at least an annual basis? Are the evaluations in writing, discussed with the employee, and signed by both the employee and the evaluator?

\_\_\_\_ 11. Are new employees provided an initial orientation during their first week of employment?

\_\_\_\_ 12. Are all key personnel full-time employees? (Full-time employment is defined as forty hours per week. Key personnel are defined as the facility manager, case manager, and counselor or staff in equivalent positions. Any proposed changes of key personnel shall be submitted for approval through the CCM to the CO.)

\_\_\_\_ 13. Does the contractor voucher potential employees through reference and employment checks prior to commencing employment duties? Does the contractor require all proposed employees to provide complete details of any criminal conviction record? Does the contractor notify proposed employees that a criminal records check may be processed by the CCM to verify employment applications?

\_\_\_\_ 14. Does the staffing pattern of the facility concentrate program staff when most residents are available at the facility? Does the contractor have a work schedule clearly defining the duty hours of each staff member? If the contractor's facility also houses non-Federal residents, has the contractor maintained the percentage of each staff member's time devoted to Federal offenders as identified in their proposal?

15. Does the contractor's standards of employee conduct include, at least, the following:

\_\_\_\_ a. the contractor shall not display favoritism or preferential treatment of one resident, or group of residents, over another;

\_\_\_\_ b. no contractor employee may deal with any resident except in a professional relationship that will support the approved goals of the center program; specifically, staff members must never accept for themselves or any member of their family, any personal gift, favor or service from a resident or from any resident's family or close associate, no matter how trivial the gift or service may seem; all staff are required to report to the center director any violation or attempted violation of these restrictions; in addition, no staff shall give any gifts, favors or services to residents, their families or close associates;

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c. no contractor employee shall enter into any business relationship with any resident or resident's family (e.g. selling, buying or trading personal property), or employ them in any capacity;

d. other than incidentally, no contractor employee shall have any outside contact with a resident, ex-resident, resident's family or close associates, except for those activities which are an approved, integral part of the center program and a part of the employee's job description;

e. contractor employees may not engage in any conduct which is criminal in nature or which would bring discredit upon the contractor or Bureau of Prisons; the contractor shall ensure that the conduct of all employees is above reproach; not only must employees avoid misconduct, but the appearance of misconduct as well;

f. any violation or attempted violation of the restrictions referred to in this section on employee conduct shall be reported telephonically and in writing, including proposed action to be taken by the contractor, through the CCM to the CO? Any failure to report a violation or take appropriate disciplinary action against contractor employees may subject the contractor to appropriate action, up to and including termination of the contract; and

g. the contractor shall notify and train employees concerning the standards of conduct and document this notification in personnel files.

16. Does the contractor observe the provisions of the Convict Labor Act? (Under the Act, residents are not permitted to perform work for the contractor, except that as part of the program, they may be required to maintain their respective living areas. This includes sweeping and cleaning their immediate living area as well as recreation or day room areas, bathroom and shower areas, and passage and hallway areas. "Extra Duty" could be imposed for minor rule infractions and could include such things as occasional lawn mowing or sanitation duties. The intent of the statute is that inmates will not be used in lieu of paid workers.)

17. The contractor may not employ any individual who is under supervision or jurisdiction of any parole, probation or correctional authority. Are persons with previous criminal convictions, but who are not under supervision, employed by the contractor? Has the Bureau of Prisons approved them?

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**Discussion/Findings:**

**FACILITY**

- \_\_\_\_\_ 1. Is the contractor's facility in compliance with all applicable zoning ordinances?
- \_\_\_\_\_ 2. Does the facility conform to all applicable building codes? (The contractor's verification of compliance may be in the form of a license, letter and/or certificate from the appropriate local authority.)
- \_\_\_\_\_ 3. Is the facility located within one mile of public transportation? If not, does the contractor provide for transportation of residents for employment or program participation activities at no cost to the resident?
- \_\_\_\_\_ 4. Is there any public concern or opposition to the contractor's program? Has the contractor taken any steps to address this public concern or opposition? Is it having an adverse effect on the community or residents?
- \_\_\_\_\_ 5. Is the facility located in an area where the commuting time to the general area of work is ordinarily no more than one and one-half hours each way via public transit? Does the contractor arrange for transportation for indigent residents while seeking employment, at no cost to the resident?
- \_\_\_\_\_ 6. Do the facility's sleeping quarters have adequate ventilation of outside or recirculated filtered air?
- \_\_\_\_\_ 7. Do all areas in the facility have adequate lighting as defined in the SOW? (living/sleeping areas; grooming areas; kitchen storage areas).
- \_\_\_\_\_ 8. Is the Contractor in compliance with the square footage requirements for resident sleeping areas as defined in the SOW and/or determined during contract negotiations? Is the facility in compliance with local, county, or state occupancy/maximum capacity requirements?

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\_\_\_\_\_ 9. Does the contractor ensure that residents are afforded a reasonable degree of privacy? If co-correctional, does the facility provide for separate sleeping, bathing, and toilet facilities by sex?

\_\_\_\_\_ 10. Is the contractor's facility and/or plans to accommodate the physically handicapped (staff, residents, visitors) in accordance with the awarded contract?

\_\_\_\_\_ 11. Is private counseling space provided in the facility and, if so, is the space adequate?

\_\_\_\_\_ 12. Are space and furnishings for activities such as group meetings, visits, and recreation provided in the facility and, if so, is the space adequate?

\_\_\_\_\_ 13. Does the facility meet the SOW requirements governing the number of toilets, wash basins and showers for the resident population/quota?

\_\_\_\_\_ 14. Do the showers and wash basins have hot and cold water? Is the hot water temperature thermostatically controlled at no more than 120 degrees Fahrenheit?

\_\_\_\_\_ 15. Are laundry facilities available to all residents and are there an adequate number of washers and dryers for the resident population/quota if provided in-house? If no in-house laundry facilities are provided, are facilities available through a community establishment within one mile of the facility?

Unless a resident chooses to launder his or her own belongings, is the cost of laundering resident's personal belongings provided by the contractor?

\_\_\_\_\_ 16. Are telephone facilities on the premises accessible to residents?

**Discussion/Findings:**

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**SAFETY/SANITATION/ENVIRONMENTAL HEALTH**

\_\_\_\_\_ 1. Does the contractor's facility meet requirements as defined in the current National Fire Protection Association (NFPA) 101, Life Safety Code? (Note: Applicable chapters of NFPA 101, as interpreted by Bureau of Prisons' representatives, will be applied during all facility inspections. In addition to mandatory requirements, Chapters 16-21 of NFPA ordinarily apply to most facilities. Verification of compliance may be in the form of a license, letter and/or certificate from an appropriate authority.)

\_\_\_\_\_ 2. Does the facility comply with all local, state, and national health and safety codes? If they conflict, is the most stringent met?

\_\_\_\_\_ 3. Does the contractor provide for vermin and pest control? Is routine trash and garbage removal taking place?

\_\_\_\_\_ 4. Does the contractor provide for documented weekly sanitation and safety inspections of all internal and external areas and equipment?

\_\_\_\_\_ 5. Do all resident mattresses, mattress pads, and pillows meet the Flammability Standard DOC-FF-472 or applicable State Code/Bulletin (e.g. California State Technical Bulletin 106) and Federal Flammability Standard 16 CFR 1632?

\_\_\_\_\_ 6. Is there a housekeeping and maintenance plan in effect to ensure that the facility is kept clean and in good repair?

\_\_\_\_\_ 7. Is each resident provided closet/locker space in the sleeping area for the storage of personal items?

\_\_\_\_\_ 8. Upon arrival, is each resident issued one complete set of clean bed linens and towels? Does the contractor provide for the exchange or laundering of these items on at least a weekly basis, at no cost to the resident?

\_\_\_\_\_ 9. For indigent residents, does the contractor provide personal hygiene articles at no cost to the resident?

\_\_\_\_\_ 10. Does the contractor permit residents to decorate their sleeping quarters with personal possessions, pictures, and posters without creating a fire hazard? (Offensive or obscene materials are prohibited.)

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\_\_\_\_\_ 11. Does the contractor have adequate, written, updated fire evacuation and emergency plans posted in appropriate locations throughout the facility?

\_\_\_\_\_ 12. Are the plans kept updated and are CCC staff trained in the implementation of written emergency plans?

\_\_\_\_\_ 13. Are evacuation drills conducted at least monthly and during hours when a majority of residents are present in the facility?

14. Does the contractor arrange for and maintain documentation of the following tests and/or inspections:

\_\_\_\_\_ a. facility inspection by a representative of the local fire jurisdiction annually;

\_\_\_\_\_ b. inspection and test of the smoke and fire alarm system, and certification by an independent qualified source that the facility complies with the NFPA 101 Life Safety Code, at least annually; and

\_\_\_\_\_ c. inspection of all fire extinguishers on a quarterly basis, with hydro testing performed by an independent qualified source on the following basis:

Class A (pressurized water) tested every five years;

Class B (CO<sub>2</sub>) tested every five years;

Class ABC (dry chemical) tested every 12 years.

\_\_\_\_\_ 15. Is there a provision for immediate notification to a fire department in the event of a fire?

\_\_\_\_\_ 16. If required by the NFPA Life Safety Code, does the facility have a corridor smoke alarm **system** that will signal all residents and a manual pull station provided at a twenty-four hour supervised location. (A **system** requires units be hardwired and tied into an enunciator panel at the twenty-four hour manned location.)

\_\_\_\_\_ 17. When was the facility last inspected by a BOP safety representative? \_\_\_\_\_

**Discussion/Findings:**

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**REFERRAL AND INTAKE PROCESSING**

\_\_\_\_\_ 1. Does the contractor have written policies and procedures governing offender referral and intake?

\_\_\_\_\_ 2. Are all referrals processed through the CCM, and does the contractor consider Federal referrals only from the CCM?

\_\_\_\_\_ 3. Does the contractor follow their criteria for rejecting referrals? When a referral is unacceptable, is notification made in writing to the CCM citing the specific reasons for denial?

\_\_\_\_\_ 4. Does the contractor discuss establishment of reporting dates with the CCM? Is the notification of acceptance made in writing to the CCM, with a copy to the referring source?

\_\_\_\_\_ 5. Does the contractor advise institution transfers of center rules and regulations at the time they are accepted for transfer? Is the notification of center rules and regulations documented in the resident file with the signed written consent of the inmate?

\_\_\_\_\_ 6. Do direct commitments and supervision cases sign a written consent to center rules and regulations at the time of intake processing?

\_\_\_\_\_ 7. Are **all** residents advised that center director approval is required prior to entering into any contract?

\_\_\_\_\_ 8. Has the contractor developed an intake process with procedures that comply with contract requirements:

\_\_\_\_\_ a. Does the contractor immediately notify the CCM by telephone of the arrival of offenders? (Should an offender arrive during evening hours, on weekends, or holidays, the CCM is to be notified during the next regularly scheduled working day.)

\_\_\_\_\_ b. Does the contractor send written notification of an offender's arrival to the appropriate USPO?

\_\_\_\_\_ c. For offenders who transfer to the CCC, does the contractor sign and return the Transfer Order (Return of Service) to the CCM?

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          d. Does the contractor execute the Judgment and Commitment Order upon arrival of offenders committed directly from court to serve a sentence? Do staff sign and date the original of the J & C and return it to the U.S. Marshal (USM) of the sentencing district, with a copy to the CCM, indicating the date the original was mailed to the USM?

          e. Does the contractor photograph offenders admitted to the center and maintain copies in accordance with the SOW requirements?

      9. Has the contractor developed procedures to ensure residents' fingerprints are taken for identification purposes?

      a. For other than institution transfers, does the contractor have a full set of prints taken and kept in the resident's file?

      b. If the contractor does not have staff trained in fingerprinting procedures, do they make arrangements with a local law enforcement agency; do contractor staff accompany residents when prints are taken?

      c. If the center is operated by a state correctional or parole agency do they forward fingerprint cards to the Federal Bureau of Investigation in accordance with their own practices?

      10. Does the contractor complete an initial intake form for each resident which includes, unless prohibited by statute, at a minimum: name, home address, date of birth, race or ethnic origin, sex, reason for referral, whom to notify in case of emergency, date information is gathered, name of referring source, special medical needs or problems, disposition of personal property in the event of transfer or death, personal physician (if any), legal status including jurisdiction, length and conditions of commitment, identifying numbers, and the signature of both the resident and staff taking the information? Is this form placed in the front section of the resident's file to facilitate easy access by staff?

      11. Do contractor staff practices and procedures ensure the confidentiality of case records? Do operating practices and procedures adhere to applicable local, state, and Federal procedures and guidelines? Prior to releasing information to employers and other third parties, is a release obtained from the resident?

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\_\_\_\_\_ 12. Have residents acknowledged other conditions of residence in a center program, which include but are not limited to, urine testing, subsistence collection, medical treatment, and an agreement to abide by posted regulations? Is the **Conditions of Residential Community Programs** form signed by all residents?

**Discussion/Findings:**

**PROGRAMS**

\_\_\_\_\_ 1. Program Components: are the offenders in the CCC classified into the appropriate program component? (Pre-Release; Community Corrections; Home Confinement).

**Resources:**

\_\_\_\_\_ 2. Does the contractor develop and utilize a network of community resources and services, including referrals to other Federal, state and community agencies, in an attempt to fulfill each resident's specific program needs?

\_\_\_\_\_ 3. Does the contractor's programs include individual counseling relative to the search for gainful employment, job training, academic and vocational training, establishment of family ties, consumerism, center behavior, substance abuse, post release residence, and community adjustment, as indicated by the individual's needs?

**Program Planning:**

\_\_\_\_\_ 4. Within a resident's first two weeks, does the contractor complete an individual program plan which addresses all areas of resident needs and includes a time schedule for achievement? Are all programs, services, and opportunities provided without discrimination based on race, creed, or national origin?

\_\_\_\_\_ 5. Prior to developing the program plan for supervision cases, is the supervising authority (USPO, etc.) consulted and given the opportunity for input into the formulation of the plan?

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\_\_\_\_\_ 6. Is the program plan signed by the contractor and resident? Is progress reviewed at least every two weeks by the contractor with the resident? Is the outcome of each review chronologically documented in the resident's file and signed by staff and resident? Are changes documented? Do resident case notes have substance and clearly allow a monitor to determine resident progress or lack of it? Are these notes the basis of the terminal report?

\_\_\_\_\_ 7. If co-correctional, are males and females provided equal access to all services and programs?

**Resident Financial Responsibility:**

\_\_\_\_\_ 8. Does the contractor collect 25 percent of each employed resident's weekly gross income, rounded down to a whole dollar amount?

\_\_\_\_\_ 9. Does the contractor ensure individual subsistence collections do not exceed the weekly cumulative contract per diem rate (i.e., the daily rate x 7)?

\_\_\_\_\_ 10. Does the contractor provide residents with receipts and maintain collection records for audit purposes? (Partial weeks of residence are prorated.)

\_\_\_\_\_ 11. Are payments made at the conclusion of each week of residence? (except that payment for the last week may be required in advance.)

\_\_\_\_\_ 12. Does the contractor reduce the monthly billing to the Bureau by the amount collected in subsistence?

\_\_\_\_\_ 13. Unless granted a waiver by the CCM, are **all** residents (**except those on home confinement**) held responsible for subsistence payments?

**Employment:**

\_\_\_\_\_ 14. Does the contractor develop meaningful resident employment opportunities that match jobs to resident needs, aptitudes, desires and capabilities?

\_\_\_\_\_ 15. To the extent needed, do contractor staff assist the resident in seeking employment? Unless medically constrained, do residents secure full-time employment within fifteen working days? Do proposed employment plans which are less than full-time have the approval of the CCC Director?

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\_\_\_\_\_ 16. Does the contractor require written approval for each resident's employment? Does the contractor ensure the resident's employer is aware of the resident's legal status? Is contractor approval required for any changes in a resident's employment?

\_\_\_\_\_ 17. Does the contractor contact the resident's employment supervisor by telephone and in-person as required by the SOW?

\_\_\_\_\_ 18. Is restriction from work used as a disciplinary sanction?

**Residence Development:**

\_\_\_\_\_ 19. Does the contractor provide assistance to residents in locating housing/residence suitable for release purposes?

Is residence suitability verified by the contractor (and/or USPO) through an on-site visit and then submitted to the USPO for approval as a release residence (when supervision follows)?

**Substance Abuse:**

20. Drug Aftercare Counseling/Urine Surveillance:

\_\_\_\_\_ a. For inmate residents who will have drug aftercare as a condition of supervision, does the contractor conduct a program planning conference within the first week of the resident's arrival? Does the conference include the USPO, drug counselor, resident, and appropriate contractor staff?

\_\_\_\_\_ b. Is at least 30 minutes counseling provided weekly to inmate residents who will have drug aftercare counseling as a condition of their release supervision and/or have a known history of drug abuse, if not participating in the transitional drug services program?

\_\_\_\_\_ c. Does the substance abuse counselor (drugs and alcohol) have an advanced degree in behavioral sciences, or a bachelors degree in behavioral sciences and at least two years of substance abuse treatment experience or training? (Para-professionals with appropriate training and experience may be utilized, provided they are under the direct supervision of a professional counselor.) Are notes kept of all sessions? If the counseling is provided by someone other than contractor staff, does the contractor maintain documentation (i.e., copies of paid invoices, etc.) to verify that services have been rendered?

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d. For urine testing, does the contractor utilize the laboratory under contract with the Bureau of Prisons or an acceptable alternative laboratory that meets **all** specifications as outlined in Attachment H, **Urine Testing Specifications?**

e. Does the contractor maintain copies of paid invoices to verify that urinalysis services have been rendered? Is every urine sample tested for drugs found in the PRIMARY TEST PANEL? (SOW attachment).

f. Is all urine testing conducted on a "surprise", unscheduled basis in accordance with Attachment K, entitled **Standard Procedures For Collecting Urine Surveillance Samples?** Do staff keep the resident under direct supervision following request for a sample?

g. If the resident is unable to provide a urine sample, do staff continue direct supervision for a two-hour period following the request for a sample?

h. Are all residents who have a condition of drug aftercare, a known history of drug abuse, or suspected of illegal drug use required to provide urine samples at a minimum of four times per month?

i. Are all confirmed disruptive group members tested every month for drugs and marijuana use?

j. Are all other residents randomly tested at least at the rate of one for every ten residents per month? When testing in greater numbers, is CCM approval obtained?

k. Are urine samples collected in an approved container with same-sex contractor personnel visually observing production of the sample? As soon as the sample has been collected, do staff secure the specimen in a locked container?

l. To ensure the integrity and security of the process, does the contractor establish a chain of custody from the point of receiving the empty bottle supplies from the laboratory until the samples are mailed to the lab for analysis?

m. Do procedures ensure no unauthorized persons or residents are involved in the handling of empty bottle supplies or the collecting, recording, mailing or processing of urine test samples?

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n. Does the contractor take disciplinary action on "stalls"? Is drinking and ingestion of medication limited to essentials during the two hour waiting period?

o. Are the minimum waiting periods between successive positive samples as outlined in Attachment L, **Detections Periods For Selected Drugs**, observed?

p. When a positive finding cannot be explained, do contractor staff thoroughly investigate the positive urine test result to validate the positive finding? Does the contractor report all unauthorized positive test results to the CCM the day received? Do residents who have positive test results without justification receive a formal disciplinary report?

21. Alcohol Testing:

a. Does the contractor maintain a surveillance and counseling program to deter and detect introduction or use of alcohol in the facility?

b. Does the contractor test at a minimum of one test for every ten residents on a weekly basis? Are tests on a "surprise" basis?

c. Does the contractor maintain a log of residents subjected to tests, the staff performing the test, test results, and a column to indicate if the resident refused to cooperate?

d. Is a reliable testing instrument such as that used by the Bureau of Prisons (Alco-Sensor Model II or III, or comparable instrument or device) used for testing?

e. Does the contractor ensure that staff using the instrument are familiar with its operation as outlined in the manufacturer's operating instructions? Is an incident report prepared if a positive alcohol test results, charging the resident with using intoxicants?

f. Do residents who refuse to submit to an alcohol test, either through word or action, receive an incident report?

g. Is alcohol counseling provided to residents on an as-needed basis, with the counseling tailored to the individual's needs? Are all counseling sessions documented in the resident's file?

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**Special Supervision Conditions:**

\_\_\_\_\_ 22. Does the contractor confer with the USPO/CCM on policy and procedures for implementation of all special supervision conditions?

**Authorized Absences:**

\_\_\_\_\_ 23. Does the contractor ensure residents leave the facility only through sign-out, pass, furlough, or home confinement?

\_\_\_\_\_ 24. At the time of intake, does the contractor contact the USPO in the appropriate jurisdiction(s) to determine if there are any objections to passes or furloughs at the location proposed by the resident? If any subsequent changes in pass or furlough location occur, does the contractor obtain additional clearance from the USPO?

\_\_\_\_\_ 25. Except for employment and other approved program activities (i.e., seeking employment, meals served through a local restaurant, attending religious services, etc.), are residents in the Community Corrections Component only permitted to leave the center with prior approval of the CCM?

\_\_\_\_\_ 26. Does the contractor (or USPO) make an initial on-site visit of the proposed location where passes or furloughs are expected to take place?

\_\_\_\_\_ 27. For purposes of accountability, are authorized absences randomly checked by the contractor to determine resident compliance with specified conditions? Has the CCM been consulted regarding the frequency of these checks?

\_\_\_\_\_ 28. Sign-Out Procedures:

\_\_\_\_\_ a. Does the contractor monitor and control access to the center's sign-in/out log, and determine the identity of any visitors?

\_\_\_\_\_ b. Does the contractor maintain procedures for locating and verifying the whereabouts of residents at all times? Do these procedures include separate formal sign-in/out log sheets for each resident? Does each log sheet contain: resident's full name, register number, present legal status, time-out, destination, purpose, authorized return time, time-in, a section for special comments, and certification by staff's signature or initials?

\_\_\_\_\_ c. Ordinarily, are only pre-release component

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residents who are employed, involved in an education or vocational training program, or are considered medically unable to work, absent from the center for social purposes?

d. Other than for employment, are residents in the center by 9:00 P.M. each night? (Specific exceptions require center director approval.)

e. If the center does not have in-house recreational capabilities, are residents in the Community Corrections Component permitted to sign-out for up to one hour per day to the immediate vicinity of the facility for exercise/recreational activity?

29. Passes:

a. Are passes used to authorize overnight or weekend absences? (A pass is limited to the local community, up to a 100 mile radius.)

b. Ordinarily, are residents in the Community Corrections Component not eligible for passes?

c. Do passes begin only after the resident's return to the center after work on Friday and extend to curfew on Sunday, or the equivalent should the resident have days off other than Saturday and Sunday? (More than one pass during a given week requires the approval of the CCM.)

d. Does the contractor ensure the Pass Request Form (Attachment N) is completed and signed by the resident? Are these requests retained in the resident's case file?

e. Are passes recommended only by a paid staff member and only approved and signed by the CCC director? Is a record of pass approvals/denials maintained?

30. Furloughs:

a. Except for home confinement, are absences from the facility exceeding two consecutive overnight periods (except holidays) or 100 miles (except for employment) only authorized by furlough? Is CCM written approval obtained?

b. Does the contractor reserve a bed for a resident on furlough?

c. Does the contractor ensure furloughs are not used to reward offenders or as an incentive to positive adjustment?

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d. Do furlough applications have the center director's recommendation?

e. Does the recommendation include documentation the USPO does not object to the furlough?

f. Does the contractor maintain a record of furloughs that includes the date and time of departure, the date and time of return, and notes regarding any contacts with the resident during the furlough period?

g. Is the per diem rate for residents on furlough one-half the regular per diem rate?

31. Home Confinement:

a. Is placement on Home Confinement status ordinarily recommended when an inmate has secured employment, a place to live and has demonstrated that he/she no longer requires the level of accountability and services the CCC provides.

b. Does the contractor's recommendation for approval of Home Confinement cases meet the following criteria: the resident will derive no further significant benefit from continued CCC residence; the resident has developed a release plan that has been approved by the supervising United States Probation Officer; and, the resident is not considered to present a substantial threat to the community or the safety of others?

c. Does the contractor forward a written recommendation outlining the plan and a completed copy of Attachment J, **Conditions of Home Confinement**, to the CCM for approval?

d. Do residents telephonically contact the center staff each day except when they are required to report to the center or when they have been visited by center staff?

e. Do contractors further verify that residents are following the conditions of Home Confinement through random phone calls each week? (or through the use of electronic monitoring devices)

f. Do staff visit residents on Home Confinement at their homes and at their places of employment at least once each week?

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\_\_\_\_\_g. Do residents on Home Confinement, who are not on electronic monitoring, return to the center at least twice each week for routine progress reviews, counseling, urine testing and other required program participation? Do residents on electronic monitoring return to the facility at least once each week?

\_\_\_\_\_h. Do residents on Home Confinement maintain a 9:00 PM to 6:00 AM curfew each day? (unless an exception is recommended by the contractor and approved by the CCM.)

\_\_\_\_\_i. Are drug and alcohol testing and counseling requirements applied to residents on Home Confinement?

\_\_\_\_\_j. Does the contractor maintain documentation of all staff contacts with residents on Home Confinement?

\_\_\_\_\_k. Does the contractor notify the CCM immediately of any misconduct or failure of a resident on Home Confinement to comply with Home Confinement Conditions?

[Item "l" has been removed.]

\_\_\_\_\_m. Are offenders on probation, parole, or under supervised release supervision placed on Home Confinement only when ordered by the Court or Parole Commission to (1) "reside in or participate in the program of a community corrections facility" **and** to (2) participate in a Home Confinement Program?

\_\_\_\_\_n. Does the contractor ensure that Corrections Component residents are not placed on Home Confinement unless ordered by the Court?

\_\_\_\_\_o. Is the per diem rate for residents on Home Confinement one-half the regular per diem rate?

32. Driving:

\_\_\_\_\_a. Do CCC residents operate motor vehicles only when recommended by the contractor and approved by the CCM?

\_\_\_\_\_b. Has the resident provided proof of valid insurance, driver's license, vehicle licensing and registration to the contractor? Does the contractor maintain copies of these documents? (If the state prohibits copying, the contractor should record the driver's license number and expiration date in the resident's file.)

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\_\_\_\_\_ c. If the vehicle is the property of someone other than the resident, does the contractor have documented proof of valid insurance, vehicle licensing and registration, and a signed authorization (either notarized or witnessed by CCC staff) from the legal owner permitting the resident to use the vehicle?

\_\_\_\_\_ d. Does the contractor maintain the license number and a description of the vehicle on file?

33. Marriage:

\_\_\_\_\_ a. Does the contractor refer an inmate resident's request for marriage to the CCM, with recommendations?

\_\_\_\_\_ b. Are marriage requests for residents under supervision forwarded to the USPO?

34. Visiting:

\_\_\_\_\_ a. Is an area of the facility available for the purpose of resident visiting?

\_\_\_\_\_ b. Does the visiting area afford a reasonable amount of privacy as well as provide for adequate staff supervision?

35. Recreation:

\_\_\_\_\_ a. Are in-house recreation activities (i.e. television viewing, table games, exercise equipment, etc.) made available to residents?

**Discussion/Findings:**

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**DISCIPLINE**

Determine if the contractor follows required disciplinary procedures.

No deviation is permitted

\_\_\_\_\_ 1. Has the contractor provided a list of center rules and minor sanctions to the CCM for approval?

\_\_\_\_\_ 2. Does the contractor provide each resident with a copy of BOP Prohibited Acts (Attachment A), approved center rules, written description of the disciplinary system within the center and time limits thereof? Are they posted in a conspicuous place? Is a receipt signed by the resident and placed in the resident's file?

\_\_\_\_\_ 3. Other than Prohibited Acts in the "Greatest" category, does the contractor always attempt to informally resolve incidents by imposition of approved contractor minor sanctions?

\_\_\_\_\_ 4. Are supervision cases subject to center rules?

\_\_\_\_\_ 5. When a formal hearing by the CDC occurs, does the contractor take appropriate actions?

6. Has the contractor demonstrated an understanding of major sanctions? Are they appropriately recommended?

\_\_\_\_\_ 7. Discuss the contractor's performance in following disciplinary procedures and time limits when informal resolution was not possible or appropriate: (major sanctions)

**Discussion/Findings:**

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## SERVICES

### **Food Services**

\_\_\_\_\_ 1. Do food services consist of meals that appear to be nutritional and well-balanced?

\_\_\_\_\_ 2. Are all residents, regardless of employment or financial status, provided the opportunity for food services throughout their stay in the center at no cost?

\_\_\_\_\_ 3. Does the contractor provide a food service program either by contractor preparation and serving in the facility, by providing food to the resident for preparation by the resident, or through a sub-contractual agreement with a food service provider (i.e., restaurant, caterer, etc.)?

\_\_\_\_\_ 4. Are menus prepared and available to the residents?

\_\_\_\_\_ 5. Does a registered dietician or licensed physician or nutritionist approve the nutritional value of the contractor's menu? (annually if fixed and semi-annually if menus are not fixed).

\_\_\_\_\_ 6. Does the contractor make arrangements for special diets when required by a physician or dentist?

\_\_\_\_\_ 7. Are provisions made to accommodate residents who work irregular hours and not available at mealtime?

\_\_\_\_\_ 8. If the contractor provides food services in the facility, is an area separate from sleeping areas and adequate in size to accommodate the majority of the residents designated as a dining area?

\_\_\_\_\_ 9. Is the dining area, regardless of the food service method utilized by the contractor, part of an establishment that serves alcoholic beverages?

\_\_\_\_\_ 10. If the contractor prepares and serves meals in the facility, do all persons preparing food comply with Federal, state, and local health and sanitation codes? (In the event of any conflict in these codes, the most stringent will apply.)

Does the contractor meet the following minimum requirements:

a. Food is in sound condition, free from spoilage, filth, or other contamination and is safe for human consumption. Food is obtained from sources that comply with all laws relating to food and food labeling.

b. Food containers are not stored under exposed or unprotected sewer lines or water lines, except automatic fire protection sprinkler heads that may be required by law. The storage of food in toilet rooms or vestibules is prohibited.

c. Potentially hazardous food is kept at an internal temperature of 40 degrees Fahrenheit or below, or at an internal temperature of one hundred forty degrees Fahrenheit or above during display and service, except that rare roast beef is held for service at a temperature of at least one hundred thirty degrees Fahrenheit.

d. No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, is working in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

e. Employees thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean, and after smoking, eating, drinking or using the toilet.

Employees keep their fingernails clean and trimmed. Long hair or beards are tied up and covered with a hat, beard guard or put in a hairnet.

f. Tableware is washed, rinsed, and sanitized after each use.

g. Cleaned, sanitized equipment and utensils are handled in a way that protects them from contamination. Spoons, knives and forks are touched only by their handles. Cups, glasses, bowls, plates and similar items are handled without contact with inside surfaces or surfaces that contact the user's mouth.

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\_\_\_\_\_ h. Garbage and refuse is kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids.

\_\_\_\_\_ i. Effective pest control measures are utilized to minimize the presence of rodents, flies, cockroaches, and other insects on the premises. The premises are kept in such condition as to prevent the harboring or feeding of insects or rodents.

11. If the contractor provides meals to residents through arrangements with a local vendor (restaurant, caterer, etc.), do they have a copy of their agreement, which ensures the following:

\_\_\_\_\_ a. that the establishment is a full-service organization, capable of providing breakfast, lunch, and dinner meals; and,

\_\_\_\_\_ b. that the establishment has a valid state or local license, certificate or permit, as applicable, to operate, prepare and/or serve food and meets all state and/or local sanitation and health codes.

\_\_\_\_\_ 12. Is appropriate space and equipment available for the proper storage and refrigeration of food supplies?

\_\_\_\_\_ 13. Are dry food supplies stored off the floor in a clean, dry, ventilated room not subject to waste water backflow or other contamination?

\_\_\_\_\_ 14. Are foods needing refrigeration stored at thirty-five to thirty-eight degrees Fahrenheit? Is a thermometer conspicuously displayed inside the refrigerator?

\_\_\_\_\_ 15. If the facility has a kitchen, is the kitchen and dining area ventilated, properly furnished, and clean?

\_\_\_\_\_ 16. Does the contractor ensure food or prepared meals do not have poppy seeds as an ingredient?

\_\_\_\_\_ 17. Are residents advised not to eat anything made with poppy seeds?

#### **Medical Services**

\_\_\_\_\_ 18. In an emergency, does the contractor obtain the necessary medical treatment required to conserve the resident's health and notify the CCM of treatment within twenty-four hours?

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\_\_\_\_ 19. If the resident cannot pay, does the contractor pay for such treatment and submit the paid invoice with the regular monthly billing for reimbursement by the government?

\_\_\_\_ 20. Are written arrangements made with a licensed general hospital, private licensed physician or clinic to ensure that emergency medical service is available twenty-four hours a day?

\_\_\_\_ 21. Does the contractor make arrangements for a medical examination of residents within twenty four hours of suspecting communicable or debilitating physical problems? Does the contractor pay for the examination and submit the paid invoice with the regular monthly billing for reimbursement by the government?

\_\_\_\_ 22. Except for transfers from a Federal institution, when an offender is admitted directly to the center does the contractor ensure that a physical examination is accomplished within five working days of arrival at the center?

\_\_\_\_ 23. Is the examination a general office physical comparable to an insurance type physical, (i.e., routine laboratory studies - CBC, urinalysis, serological tests for syphilis, chest X-ray, Tine Test, etc.) that does not require hospitalization to complete the exam?

\_\_\_\_ 24. Are the results of the evaluation appropriately documented and made a part of the resident file, with a copy of the exam's findings sent to the CCM?

\_\_\_\_ 25. Does the contractor pay for the examination and submit a copy of the paid invoice with the regular monthly billing for reimbursement by the government?

\_\_\_\_ 26. Does the contractor have basic first aid supplies, as provided in the American Red Cross First Aid Manual, on-site at all times?

\_\_\_\_ 27. Is at least one staff member on each shift trained in emergency first aid and cardiopulmonary resuscitation (CPR)?

\_\_\_\_ 28. Does the contractor have written policy and procedure regarding a resident's possession and use of prescribed medication and over-the-counter drugs?

**Discussion/Findings:**

**RECORDS AND REPORTS**

1. Does the contractor maintain a case record for each resident that includes all significant decisions and events relating to that resident, and at a minimum, the following information:

- a. initial intake information form
- b. case information from referral source, if available
- c. case history/social history
- d. medical record, when available
- e. individual program plan
- f. signed release of information and other consent forms
- g. evaluation and progress reports
- h. current employment data
- i. signed acknowledgment of receipt of program rules and disciplinary policy
- j. grievance and disciplinary record
- k. documented legal authority to accept resident
- l. referrals to other agencies
- m. terminal report
- n. record of resident finances

2. In order to facilitate the planning, implementation, and evaluation of programs, are entries into the case records dated and signed by the staff member making the entry?

3. On at least a quarterly basis, does the contractor perform an audit of case records to ensure that current and accurate material is being entered into the record?

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\_\_\_\_ 4. Does the contractor release information (other than contractor generated information) from the resident's file to the resident only with CCM approval?

\_\_\_\_ 5. Does the contractor ensure that information is not released to any other individual(s) unless Attachment I, **Conditions of Residential Community Programs**, has been executed?

\_\_\_\_ 6. Does the contractor provide appropriate safeguards to minimize the possibility of theft, loss or destruction of resident file records?

\_\_\_\_ 7. Does the contractor ensure only authorized staff have access to resident records?

\_\_\_\_ 8. Does the contractor complete the **Urine Sampling Program Report** (Attachment M) on a monthly basis and forward it to the CCM along with the monthly billing? Does a copy of this report go to the Chief United States Probation Officer?

\_\_\_\_ 9. Does the contractor maintain a chronological log for all residents tested under the urine testing program?

\_\_\_\_ 10. Does the urinalysis log include specimen number, resident's name and number, date sample collected, staff member witnessing collection, reason for test, results and date received?

\_\_\_\_ 11. Are these individual logs placed in the resident's file?

\_\_\_\_ 12. When submitting a sample for testing, does the contractor complete the sampling ID slip and place it in the individual resident's file so the results can be compared with this slip when received from the laboratory?

\_\_\_\_ 13. Does the contractor maintain a record of the following resident finances: wages and salaries, number of hours worked, amount and type of deductions (i.e., Federal taxes, state taxes, social security contributions, etc.), savings, and amount of subsistence collected?

\_\_\_\_ 14. Except for supervision cases, is the BP-ADMIN-193 (In-Transit Information) completed by the contractor and given to the U. S. Marshal, or other appropriate Federal authority, on all resident program failures?

**Discussions/Findings:**

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**RELEASE PREPARATION**

1. At least six weeks prior to the release date, does the contractor present a release plan as follows:

\_\_\_\_\_ a. in parole cases - to USPO for approval, with a copy to the CCM;

\_\_\_\_\_ b. in mandatory release cases - although no government approval is necessary, a release plan is developed and sent to USPO, with a copy to the CCM;

\_\_\_\_\_ c. in expiration cases or supervised release cases - although no government approval is necessary, a release plan is developed and sent to the CCM.

\_\_\_\_\_ 2. Do the plans include the verified specifics of the proposed residence, employment or training program, and family situation?

\_\_\_\_\_ 3. If an approved plan cannot be developed by the release date in parole cases, does the contractor immediately notify the CCM and U.S. Parole Commission of the delay? Does the contractor ensure the resident is not released until a plan is approved and parole certificates are received?

\_\_\_\_\_ 4. Does the contractor understand the USPO may wish to comment on the adequacy of the release plan on other types of release cases, although approval is not required? (mandatory release, expiration and supervision cases with a fixed term of center residence as a supervision condition)

\_\_\_\_\_ 5. Does the contractor verify the correctness of each resident's release date with the CCM prior to each resident's release?

\_\_\_\_\_ 6. Are release dates of any Federal prisoner retarded, advanced or otherwise changed without approval of the CCM or U.S. Parole Commission?

**Release Certificates:**

\_\_\_\_\_ 7. For mandatory release cases, does the contractor execute Mandatory Release Certificates at the time of the resident's release?

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\_\_\_\_\_ 8. For parole cases, after the USPO has formally accepted the proposed release plan, does the contractor immediately request parole certificates from the appropriate regional office of the U.S. Parole Commission, with a copy to the CCM?

\_\_\_\_\_ 9. Does the contractor obtain the signature of the parolee on the certificate and execute formal discharge procedures?

\_\_\_\_\_ 10. If a parolee refuses to sign the certificate, does the contractor understand the resident may not be released and the matter should be referred to the U. S. Parole Commission for resolution?

**Release Clothing, Funds, and Transportation:**

\_\_\_\_\_ 11. When necessary, does the contractor develop and submit an itemized plan for a resident's release clothing, funds, and transportation needs to the CCM for approval?

\_\_\_\_\_ 12. If approved, does the contractor provide the releasee with funds, clothing, and make the necessary transportation arrangements for the resident?

\_\_\_\_\_ 13. Is documentation (i.e., paid invoices, etc.) forwarded with the monthly billing for reimbursement by the government of CCM approved expenditures?

\_\_\_\_\_ 14. At release, do staff ensure the releasee understands his status, the condition of any supervision required, and a resident who will be under supervision of a USPO must report to that office within seventy-two hours after release?

\_\_\_\_\_ 15. Does the contractor ensure that residents take all of their personal property?

\_\_\_\_\_ 16. When a resident is released during working hours, does the contractor immediately notify the CCM by telephone, or if the release occurs outside working hours, the next working day?

\_\_\_\_\_ 17. Are terminal reports completed within three working days of the resident's release and include, in addition to the identifying data, a description of the resident's adjustment while under the care of the contractor, a prognosis for future adjustment, the amount of money in savings and/or contributions to dependents, and his/her release plans, including residence, employment and salary?

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\_\_\_\_\_ 18. Does the contractor follow required distribution: original to CCM, copy to appropriate U.S. Parole Commissioner and a copy to appropriate USPO?

**Release Documents:**

19. Does the contractor complete the following documents and distribute them within three working days of the resident's release:

\_\_\_\_\_ a. Release Certificates (Parole, Special Parole Term, Mandatory Release): dated signature of releasee, and staff; Distribution: original to releasee, copies to appropriate Regional U.S. Parole Commission, USPO, and CCM.

\_\_\_\_\_ b. Notice of Release and Arrival: Distribution: original to releasee, copies to appropriate Regional U.S. Parole Commission, USPO, and CCM.

**Property Disposition:**

\_\_\_\_\_ 20. Does the contractor establish and maintain a system of accountability and method of disposition of residents personal property to be implemented in the event of a resident's death, escape, or transfer?

\_\_\_\_\_ 21. Are inventories of resident property accomplished by no less than two staff, and both sign the completed inventory list?

\_\_\_\_\_ 22. Is a resident's property immediately secured, and inventoried within eight hours of a resident's death, escape, or transfer?

\_\_\_\_\_ 23. If a resident is being held in a local jail, is the individual identified as "to be notified in case of emergency" advised to pick up the resident's property?

**File Disposition:**

\_\_\_\_\_ 24. Upon completion or termination of the resident's program, does the contractor forward the resident's file to the CCM? (The contractor may retain public information which can identify the former resident, copies of research data which have been depersonalized and copies of reports generated by the contractor.)

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\_\_\_\_\_ 25. When the term of residence specified by the court has been completed, or when the center determines that the resident's program is completed or that participation in the center's program will produce no further significant benefits, do staff notify the USPO who will then make other arrangements for the residence, program, and welfare of the releasee?

\_\_\_\_\_ 26. Are terminal reports completed by the contractor and forwarded to the USPO and CCM?

**Discussion/Findings:**

**ESCAPES**

\_\_\_\_\_ 1. Does the contractor notify the U.S. Marshal and CCM immediately upon identifying a resident as an escapee?

\_\_\_\_\_ 2. Does the contractor understand that residents under supervision are not in the custody of the Attorney General (probationers, parolees, pre-trial defendants, mandatory releases, supervised releases) and cannot be considered escapees?

\_\_\_\_\_ 3. Does the contractor understand that unauthorized absences of residents under supervision are to be immediately reported to the supervising authority? Is the CCM notified no later than the next business day?

**Discussion/Findings:**

**SERIOUS ILLNESS, INJURY, OR DEATH OF A RESIDENT**

\_\_\_\_\_ 1. Whenever a resident becomes seriously ill or requires emergency medical treatment, does the contractor immediately notify the CCM, USPO, and the resident's family or next of kin?

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\_\_\_\_\_ 2. In the event of an inmate resident's death, does the contractor immediately notify the CCM, USPO, and the resident's family or next of kin?

\_\_\_\_\_ 3. Do center staff arrange for a fingerprint (right thumb or right index finger) to be taken, and date and sign the fingerprint card to ensure that positive identification has been made?

\_\_\_\_\_ 4. Is the fingerprint card sent by certified mail to the CCM?

\_\_\_\_\_ 5. If death is due to violence, accident surrounded by unusual or questionable circumstances, or sudden and the deceased was not under medical supervision, do center staff notify appropriate law enforcement officials of the local jurisdiction to review the case and examine the body?

\_\_\_\_\_ 6. When there is no longer an official interest in the body, is it turned over to family members or next of kin?

\_\_\_\_\_ 7. If the family declines the body or is unable to afford funeral expenses, does the contractor contact the CCM for disposal instructions?

\_\_\_\_\_ 8. Is personal property of a deceased resident inventoried by next of kin?

**Discussion/Findings:**

**RESIDENTS UNDER SUPERVISION**

\_\_\_\_\_ 1. Does the contractor only accept persons described in this chapter when they have been approved for placement by the CCM?

\_\_\_\_\_ 2. Does the contractor provide all services and programs cited in the Statement of Work for all persons described in this chapter, except as otherwise specified below:

\_\_\_\_\_ a. Do center staff in cooperation with the USPO develop an individual program plan for each resident?

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b. Does the contractor notify the USPO of medical problems of probationers, parolees, mandatory releases, supervised releases, and pre-trial defendants? (Except for entrance physical exams, all medical and dental expenses for persons under supervision of a USPO are the responsibility of the resident.) Do the staff assist the resident in finding appropriate community resources?

c. Is permission to drive approved by the center director and the supervising USPO?

d. Are persons under supervision subject to center rules and minor sanctions?

e. If a prohibited act is alleged to have been committed by a resident under supervision which would require a recommendation of a major sanction and a formal disciplinary hearing, do center staff forward reports of such misconduct with recommendations to the USPO for disposition? Is the original of the report forwarded to the USPO, with a copy to the CCM?

f. Does the contractor ensure that persons under supervision are not placed in United States Marshal custody?

g. Are unauthorized absences of persons described in this chapter reported immediately to the USPO, and the CCM is notified the next business day?

h. Are costs of drug counseling and urine surveillance the administrative and fiscal responsibility of the USPO? Does the contractor work closely with the supervising USPO to coordinate services?

i. Are supervision cases subject to the same subsistence collection procedures as committed residents?

j. When the term specified by the court has been satisfied, or the center director determines that a resident's program is completed or that participation in the center's program will produce no further significant benefits, do staff notify the USPO (with a copy to the CCM) requesting program termination?

k. Is a terminal report completed by the contractor and forwarded to the USPO, with a copy to the CCM?

l. Are residents identified in this chapter eligible for furloughs or home confinement?

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m. Are absences other than "sign-out" or pass approved by the supervising USPO, and documented?

n. In the event of a death of a resident under supervision, does the contractor immediately notify the CCM and USPO?

**Discussion/Findings:**

**RESEARCH AND EVALUATION**

1. Does the contractor have an organized system of information collection, storing, retrieval, reporting, and review?

2. Are contractor staff and the CCM considered instrumental in identifying information needs, and consulted when policies and procedures are being developed?

**Discussion/Findings:**

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**LIST NAME AND POSITION OF  
STAFF INTERVIEWED DURING  
VISIT:  
(Add Comments)**

**LIST NAME AND REGISTER NO.  
OF RESIDENTS INTERVIEWED  
DURING VISIT:**

**SUMMARY**

Indicate areas in which contract needs improvement and steps to be taken to accomplish, including time frames for completion. (Use additional sheets, if necessary.)

Finding Required	Corrective Action	Should failure to correct finding result in
adverse action (i.e., cancellation of contract)?		
(Give reasons.)		

**RESIDENT INTERVIEW WORKSHEET**

This is a guideline only. It is not meant to be read to the resident word by word nor is it meant to be all inclusive.

1. Are counseling staff available during the hours you are free from work?

2. Do you have any problems getting to and from work. What mode of transportation do you use?

3. Do you have any problem getting clean bed linens, towels, etc.? How often? Are there facilities available to wash clothes?

4. Do you have a program plan? How was it worked out? Do you review it regularly with a staff member?

5. Have you participated in a fire drill? If so, when?

6. How did you get your job? Is it the kind of job you think you should have? If not, has a job change been discussed with staff?

7. Do you have a drug aftercare condition? If yes, what kind of program are you in?

Have you met with the U.S. Probation Officer?

8. What do you think about the food?

9. Are disciplinary measures fair and equal?

10. What is the purpose of you being placed in the CCC?

11. Are you aware of any illegal activities or preferential treatment concerning staff and residents?

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**USPO INTERVIEW WORKSHEET**

1. Program Planning: Have you been invited to visit the center to meet with staff and/or residents at the facility?

2. Drugs and Alcohol: For all persons with a condition of drug aftercare, are you receiving advance notification of their arrival? Are planning conferences being held within two weeks after the client's arrival?

How often do you receive copies of the Urine Sampling Reports and are they on time?

3. Furloughs: Are you being consulted in the case of furloughs? (Furloughs are not the same as passes. This is a formal procedure and is usually for 3 to 5 days.)

4. Home Confinement: Are you being consulted regarding residents being placed on Home Confinement?

5. Release Procedures: Are you receiving parole plans six weeks prior to a resident's release date?

Are you satisfied with the quality of the plans?

Are residents receiving adequate instructions at time of release?

Are you receiving Terminal Reports in a timely fashion? Are they satisfactory?

Are you receiving release certificates?

6. Are residents benefiting by being released through this CCC? How?

7. What is your opinion regarding placement of direct court commitments and persons under supervision in this center?

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**CONTRACTOR INTERVIEW WORKSHEET**

1. Do you have any problems with your billings?

Are you receiving your payments on time?

2. Are referral packets from CCMs satisfactory? If not, list the institutions and the problem(s).

3. Do you receive transfer packets from institutions prior to a resident's arrival? Do they contain all the necessary documents?

4. Do institutions give the Contractor notice of pending arrivals, including pertinent data such as method of transportation, departure and arrival time, etc.?

5. Do residents receive funds for transfer to the facility? (How much? Any problems?)

6. For residents on medication:

a. Are they given enough medical supplies and prescription medicine from the institution to last while in transfer to your facility?

b. Are you receiving a 30-day supply for the residents from an institution? List problem institutions and inmates.

7. Are you having any problems with the Probation Office regarding commitments of Residents Under Supervision?

Are you receiving parole plan approvals in a timely fashion?

8. Are you receiving cooperation from the U.S. Marshals Service?

9. Other Comments: (i.e., Problems with CCM communications, contract compliance, adverse publicity, etc.)

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**COMMUNITY CORRECTIONS CENTER INTERIM MONITORING  
INSTRUMENT**

1. Date of Review: \_\_\_\_\_
2. Date of Last Audit: \_\_\_\_\_ Type: \_\_\_\_\_
3. Community Corrections Manager (Name, Location, Code):  
\_\_\_\_\_
4. Facility (Name, Location, Code):  
\_\_\_\_\_
5. Facility Director: \_\_\_\_\_
6. Facility Operating Capacity: \_\_\_\_\_
7. Total Facility Population: \_\_\_\_\_
8. Bureau of Prisons Population: \_\_\_\_\_
9.  Major       Moderate       Minor Use
10. Average Monthly Inmate-days Since Last Audit: \_\_\_\_\_  
Quota: \_\_\_\_\_
11. Is This Facility Co-Correctional? Yes:  No:   
If so, are Sleeping Areas Separated? Yes:  No:   
Is There Supervision and Separation by Sex to Provide  
Privacy and Protection? Yes:  No:
12. Comment on Areas Found Deficient During Last Audit (Attach  
Extra Sheets, if Necessary):
13. Comment on Life Safety Issues (Obtain Copy of Latest Fire  
Marshal Inspection Report, if Appropriate):
14. Comment on General Sanitation (Including Food Service  
Program and Obtain Latest Copy of Food Service Establishment  
Inspection Report, if Appropriate):

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15. Comment on Inmate Accountability:

16. Comment on Employment Placement Program (% of Inmates Working Full-Time, Part-Time, Supporting Documentation, etc.):

17. Number of Escapes \_\_\_\_\_ and Number of Program Failures (Other Than Escapes) \_\_\_\_\_ Since Last Inspection.

18. Other Areas Considered Important to this Contract:

19. Date by which Contractor is to Respond to Notice of Deficiencies: \_\_\_\_\_

20. Date of Next Audit: \_\_\_\_\_ Type: \_\_\_\_\_

Prepared By/Job Title \_\_\_\_\_ Date \_\_\_\_\_

Reviewed By/Job Title \_\_\_\_\_ Date \_\_\_\_\_

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**CONTRACT JAIL SERVICES MONITORING INSTRUMENT**

1. Date of Inspection: Scheduled: ( ) Unscheduled: ( )

2. CCM (name, location, code):

3. Facility (name location, code):

4. Chief Executive Officer (name):

5. Facility Operating Capacity: Population on day of  
inspection: ADP Last Six Months:

6. Federal population on day of inspection:

Federal Offenders Awaiting Trial/Removal (USMS)	Federal Offenders	Serving Sentence in Facility (BOP)
---	-------------------	------------------------------------

(1) adult male	(6) adult female
(2) adult female	(7) YCA male
(3) JJA male	(8) YCA female
(4) JJA	(9) JJA male
(5) adult male	(10) JJA female

Total Total

7. Is facility currently overcrowded? ( ) Yes ( ) No  
If yes, place an "X" beside offender type(s) above which are  
overcrowded.

Refer to Chapter 4, Community Corrections Manual for monitoring definition, elements, responsibilities, schedule, method, and confidentiality of reports.

The purpose of the checklist is to remind the CCM of areas to review in relation to the Statement of Work and to record the findings. It will become part of the contract file kept by the CCM.

Those items marked with an asterisk (\*) must be addressed in the "Comments" at the end of each section. The CCM will also address any other area that he/she believes pertinent in the "Comments" section at the end of this report.

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Some of the items on this checklist will not apply in all situations. There is a column marked "N/A" - Not Applicable for such situations.

### **ADMINISTRATION AND OPERATIONS**

	YES	NO	N/A
1. Is the unit under the direction of a full time, professional administrator?.....( )	( )	( )	
2. Is there a sufficient number of operating staff members to provide continuous 24-hour per day supervision?.....( )	*	( )	( )
3. Does the facility have a policy manual which governs institutional operations?.....( )	( )	( )	
4. Does each staff member receive 40 hours of correctional training annually?.....( )	( )	( )	
5. Is the staff guided by appropriate written orders (such as post orders, emergency plans, formal policies on key and tool control, etc.)?.....( )	( )	( )	
6. Do the policies for prisoner accountability insure that the security of the unit is maintained?.....( )	*	( )	( )
7. Are unusual incidents, disciplinary infraction, and disturbance adequately recorded?.....( )	*	( )	( )
8. Does the unit have a due process model, per Wolff v. McDonnell, policy for disciplinary actions?.....( )	*	( )	( )
9. Are rules and regulations provided in writing for all prisoners?.....( )	*	( )	( )
10. Is corporal punishment forbidden at this unit?..( )	*	( )	( )
11. Do prisoners have adequate access to legal materials?.....( )	*	( )	( )
12. Are minimal visitation rights afforded to all prisoners?.....( )	*	( )	( )
13. Is the correspondence policy in accord with the statement of work?.....( )	*	( )	( )

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\*

14. Are prisoners segregated by age and sex?.....( ) ( ) ( )
15. Is discrimination prohibited on the basis of race, religion and national origin?.....( ) ( ) ( ) \*
16. Are adequate safety measures in effect with regard to fire, natural disaster, etc.?.....( ) ( ) ( ) \*
17. Does the unit satisfactorily safeguard against the introduction and production of contraband?..( ) ( ) ( ) \*
18. Does the unit maintain an acceptable level of sanitation?.....( ) ( ) ( ) \*
19. Are prisoner funds and property adequately accounted for?.....( ) ( ) ( ) \*
20. Are vouchers accurate and in the proper format?.....( ) ( ) ( ) \*
21. Are communication between the unit and concerned Federal agencies satisfactory?.....( ) ( ) ( )
22. Is the unit responsive and cooperative in its dealings with Federal agencies?.....( ) ( ) ( )
23. If there are offenders committed under juvenile statutes (pre or post-commitment), and this is not strictly a juvenile facility, are they in entirely separate quarters?.....( ) ( ) ( ) \*

## COMMENTS:

**BASIC SERVICES AND PROGRAMS**

YES NO N/A

1. Are prisoners provided with adequate clothing and bedding?.....( ) ( ) \*
2. Are prisoners provided with the opportunity to shave and bathe regularly?.....( ) ( ) \*
3. Is a program of exercise and recreation, indoor and fresh air, available?.....( ) ( ) \*

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4. Are religious services/counseling available?....( ) ( ) ( )
5. Does the facility provide three meals per day  
the Food Service standards exceed minimum \*  
nutritional standards of U.S.D.A.?.....( ) ( ) ( )
6. Are menus checked by a dietitian?.....( ) ( ) ( )
7. Is food served at the proper temperature, with  
attention given to variety and appearance.....( ) ( ) ( )
8. Is there a formal classification program?.....( ) ( ) ( )
9. Is basic medical service provided in \*  
accordance with the statement of work?.....( ) ( ) ( )
10. Does unit have regular medical staff  
on duty at the facility on a regular  
basis (may be para-medic)?.....( ) ( ) ( )
11. Are counseling and crisis intervention service  
provided?.....( ) ( ) ( )
12. Are educational or vocational programs  
available?.....( ) ( ) ( )
13. Is Work/Study Release available for Federal  
offenders?.....( ) ( ) ( )

COMMENTS:

**NARRATIVE**

1. USE OF THIS UNIT BY FEDERAL GOVERNMENT:

MAJOR USE: ( ) MODERATE USE: ( ) MINOR USE: ( )

2. GOVERNMENT NEED TO CONTRACT WITH THIS UNIT:

NECESSARY: ( ) This is a single source supplier of  
needed service in the area; or, other suppliers in the area are  
unavailable to the Government or are clearly inferior.

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DESIRABLE: ( ) This service is superior or more conveniently located than other options which are available.

OPTIONAL: ( ) This unit was selected over, or in addition to, other available units comparable in quality and convenience.

Loss of this unit would not create a major problem for the Government.

3. OVERALL RATING ADJECTIVE:

SATISFACTORY: ( ) There is no problem with this facility it is operating quite satisfactorily. Any improvement needed would be minor.

UNSATISFACTORY: ( ) There is a problem with this facility it is not operating satisfactorily. Improvement is definitely needed, as noted elsewhere in this report.

\*UNACCEPTABLE: ( ) There is a major problem with this facility. The Government contracts with it only to meet the needs of the U.S. Courts, while expending major efforts to find alternatives; or the Government plans to give cancellation notice if situation continues over a specified length of time.

4. IF RATING IS "UNACCEPTABLE," COMMENT ON REASONS, OR REFER TO RELEVANT CHECKLIST ITEMS COMMENTED ON ELSEWHERE:

5. IF RATING IS "UNACCEPTABLE," IS CANCELLATION BEING CONSIDERED? IF NOT, COMMENT ON THE SITUATION AND ANY CONSTRAINTS WHICH PREVENT CANCELLATION:

6. DOES THIS UNIT RECEIVE MANAGEMENT ASSISTANCE FUNDS FOR IMPROVEMENT OF CONDITIONS FOR/SERVICES TO FEDERAL OFFENDERS?

7. IS THE UNIT IN NEED OF TECHNICAL ASSISTANCE? IF "YES" COMMENT ON WHAT ASSISTANCE IS BEING PROVIDED, COULD BE PROVIDED, OR THE CONSTRAINTS UPON PROVIDING ASSISTANCE:

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8. NAME AND POSITION OF STAFF  
INTERVIEWED DURING VISIT:  
DURING VISIT:

NAME AND REGISTER NO. OF  
PRISONERS INTERVIEWED

9. ADDITIONAL COMMENTS:

Community Corrections Manager /s/

Date

10. Date of next scheduled inspection:

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**CONTRACT LONG-TERM ADULT  
& JUVENILE MONITORING INSTRUMENT**

1. DATE OF INSPECTION: \_\_\_\_\_ SCHEDULED: ( ) UNSCHEDULED: ( )
2. CCM (name, location, code): \_\_\_\_\_
3. FACILITY (name, location, code): \_\_\_\_\_
4. CHIEF EXECUTIVE OFFICER (name): \_\_\_\_\_
5. FACILITY OPERATING CAPACITY: \_\_\_\_\_ POPULATION ON DAY OF INSPECTION: \_\_\_\_\_ ADP Last Six Months: \_\_\_\_\_
6. FEDERAL POPULATION ON DAY OF INSPECTION: \_\_\_\_\_ FEDERAL OFFENDERS  
AWAITING TRAIL/REMOVAL (USMS) \_\_\_\_\_ FEDERAL OFFENDERS  
FACILITY (BOP) SERVING SENTENCE IN \_\_\_\_\_

(1) adult male	_____	(6) adult female	_____
(2) adult female	_____	(7) YCA male	_____
(3) JJA male	_____	(8) YCA female	_____
(4) JJA female	_____	(9) JJA male	_____
(5) adult male	_____	(10) JJA female	_____

7. IS FACILITY CURRENTLY CROWDED? YES ( ) NO ( )  
IF "YES" PLACE A (X) BESIDE OFFENDER TYPE(S) ABOVE WHICH ARE OVERCROWDED.

Refer to Chapter 4, Community Corrections Manual for Monitoring Definition, Elements, Responsibilities, Schedule, Method, and Confidentiality of Reports.

The purpose of the checklist is to remind the CCM of areas to review in relation to the Statement of Work and to record the findings. It will become part of the contract file kept by the CCM.

Those items marked with an asterisk (\*) must be addressed in the "Comments" at the end of each Section. The CCM will also address any other area that he/she believes pertinent in the "Comments" section at the end of this report.

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Some of the items on this checklist will not apply in all situations. There is a column marked "NA" - Not Applicable for such situations.

### **ADMINISTRATION**

YES NO N/A

1. Is this facility subject to inspection by state, county, or local regulating agency?.....( ) ( ) ( )
2. Is the unit under the direction of a full time, professional administrator?.....( ) ( ) ( )
3. Does the facility have a policy manual which governs institutional operations?.....( ) ( ) ( )
4. Does each staff member receive 40 hours of correctional training annually?.....( ) ( ) ( )
5. Is there an Affirmative Action Program in effect?.....( ) ( ) ( )
6. If this is a juvenile facility, are there \* any adults confined here also?.....( ) ( ) ( )
7. Does staff photograph or fingerprint juveniles (committed under Juvenile Justice Act) without \* consent of Judge?.....( ) ( ) ( ) \*
8. Are prisoners segregated by age and sex?.....( ) ( ) ( )
9. Is discrimination prohibited on the basis of race \* religion, and national origin?.....( ) ( ) ( )
10. Are prisoners provided with adequate clothing \* and bedding?.....( ) ( ) ( )
11. Are prisoners provided with opportunity to shave \* and bathe regularly?.....( ) ( ) ( )
12. Is a program of exercise and recreation, indoor \* fresh air, available?.....( ) ( ) ( ) \*
13. Are religious services/counseling available?.....( ) ( ) ( )
14. Are minimal visitation rights afforded to \* all prisoners?.....( ) ( ) ( )

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15. Is the correspondence policy in accord with the Statement of Work?.....( ) ( ) ( ) \*
16. Do prisoners have adequate access to legal materials?.....( ) ( ) ( ) \*
17. Are communications between the unit and concerned Federal agencies satisfactory?.....( ) ( ) ( ) \*
- YES NO N/A
18. Is the unit responsive and cooperative in its dealings with Federal agencies?.....( ) ( ) ( )

COMMENTS:

### **SANITATION**

YES NO N/A

1. Is the sanitation-hygiene of facility monitored by a state, country, or local regulatory agency?.....( ) ( ) ( )
2. Does the facility maintain an acceptable level of sanitation?.....( ) ( ) ( ) \*

COMMENTS:

### **DISCIPLINE**

YES NO N/A

1. Does the facility have a due process model, per Wolff v. McDonnell, policy for disciplinary action?.....( ) ( ) ( ) \*
2. Are rules and regulations provided in written for all prisoners?.....( ) ( ) ( ) \*
3. Is corporal punishment forbidden at this facility?.....( ) ( ) ( ) \*
4. Are there any inmate trustees?.....( ) ( ) ( )

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5. Are basic living levels of decency and humane treatment maintained in segregation unit?.....( ) ( ) ( ) \*

6. Is the same menu and frequency of meals provided to those inmates placed in segregation as provided to general population?.....( ) ( ) ( ) \*

COMMENTS:

**MEDICAL**

YES NO N/A

1. Is basic medical service provided in accordance with the statement of work?.....( ) ( ) ( ) \*

2. Does facility have regular medical staff on duty at the facility on a regular basis?.....( ) ( ) ( )

3. Are there adequate procedures for handling medical emergencies?.....( ) ( ) ( ) \*

4. Is there a hospital in the institution?.....( ) ( ) ( )

5. Is hospital or clinic equipment in good repair?.....( ) ( )

6. If institution has no hospital, have other arrangements been made for medical care and is it adequate?.....( ) ( )

7. Are narcotic and non-narcotic drugs controlled properly?.....( ) ( ) \*

8. Is inmate examined by medical personnel at admission?.....( ) ( )

9. Are there procedures for proper maintenance and control of medical record?.....( ) ( )

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10. Does staff know proper procedure for billing for medical care not included in per diem cost?.....( ) ( ) ( )

COMMENTS:

**FISCAL MANAGEMENT**

YES NO N/A

1. Does the facility prepare an annual written budget of anticipated revenues and expenditure?.....( ) ( ) ( )

2. Does the facility's fiscal process include an annual audit of the agency?.....( ) ( ) ( )

3. Are prisoner funds and property adequately accounted for?.....( ) ( ) ( )

4. Are vouchers accurate and in the proper format?.....( ) ( ) ( )

COMMENTS:

**CASE MANAGEMENT AND PROGRAMS**

YES NO N/A

Programs

1. Are counseling and crisis intervention services provided?.....( ) ( ) ( )

2. Are vocational programs available?.....( ) ( ) ( )

3. Does facility offer an adult Basic Education Program?.....( ) ( ) ( )

4. Does facility offer a GED program?.....( ) ( ) ( )

5. Is staff following the proper procedures for:

a. Furlough?.....( ) ( ) ( )

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- b. Work Release?.....( ) ( ) ( )
- c. Study Release?.....( ) ( ) ( )
6. Does staff have an understanding of all aspects of placement in CTC's?.....( ) ( ) ( )

## Classification/Progress

1. Is there a formal classification program?.....( ) ( ) ( )
2. Is inmate progress reviewed at least once every 6 months?.....( ) ( ) ( ) \*
3. Is staff aware of what type of information should be in the following reports:

- a. Classification Report?.....( ) ( ) ( ) \*
- b. Progress Report?.....( ) ( ) ( ) \*
4. Does the facility grant Meritorious Good Time and is staff familiar with BOP policy pertaining to Meritorious Good Time?.....( ) ( ) ( ) \*

Release YES NO N/A

1. Does staff understand procedures required in Statement of Work relating to inmates who have a committed fine?.....( ) ( ) ( ) \*
2. Does staff understand procedures for resolving detainer?.....( ) ( ) ( ) \*
3. Upon release, does institution provide adequate clothing and transportation expenses to reach destinations?.....( ) ( ) ( ) \*
4. Are there procedures for determining the appropriateness of release gratuity and the amount?.....( ) ( ) ( ) \*
5. Are the appropriate release/discharge forms and reports completed and distributed properly?....( ) ( ) ( ) \*

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## Probation and Parole

1. Does the staff understand the role of the U.S. Probation Officer and how to determine who is the appropriate USPO?.....( ) ( ) ( ) \*
2. Does the staff understand how to obtain presentence reports and when to send report to the USPO?.....( ) ( ) ( )
3. Does staff understand procedures relating to the release plan and the USPO?.....( ) ( ) ( ) \*
4. Is staff aware of restrictions on release destinations of inmates going out on supervision (committing District of residence) and how to resolve this?.....( ) ( ) ( )
5. Does staff understand Parole Commission actions and procedures, i.e., continuances, institutional review hearing, continued to expirations, etc.?.....( ) ( ) ( ) \*
6. Does staff have all the required Parole Forms?..( ) ( ) ( )

tSen ence/Record Information	YES	NO	N/A
------------------------------	-----	----	-----

1. Do staff have a complete understanding of items on the BP-5 "Sentence Computation Sheet"?.....( ) ( ) ( )
- a. Sentence and length?.....( ) ( ) ( ) b. SGT?.....( ) ( ) ( ) c. MR date?.....( ) ( ) ( ) d. Parole Eligibility date?.....( ) ( ) ( )
2. If allowed by institution, does Federal inmate have a copy of his BP-5?.....( ) ( ) ( )
3. Does Inmate File contain the following:
  - a. J&C (If not, is it in a separate, secure place)?.....( ) ( ) ( )
  - b. BP-5?.....( ) ( ) ( )

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- c. PSI?.....( ) ( ) ( )
- d. Classification Summary?.....( ) ( ) ( ) e.
- Progress Reports?.....( ) ( ) ( ) f.
- Parole Application (if applicable)?.....( ) ( ) ( ) g.
- Disciplinary Records (if applicable)?.....( ) ( ) ( )

COMMENTS:

**SECURITY, CONTROL, & SAFETY**

YES NO N/A

1. Is the staff guided by appropriate written orders (such as post orders, emergency plans, formal policies on key and tool control, etc.)?.....( ) ( ) ( )
2. Is there a sufficient number of operating staff members to provide continuous 24-hour per day supervision?.....( ) ( ) ( ) \*
3. Do the policies for prisoners accountability insure that the security of the unit is maintained?.....( ) ( ) ( ) \*
4. Does the unit satisfactorily safeguard against the introduction and production of contraband?..( ) ( ) ( ) \*
5. Are unusual incidents, disciplinary infraction, and disturbances adequately recorded?.....( ) ( ) ( ) \*
6. Are adequate safety measures in effect with regard to fire, natural disaster, etc.?.....( ) ( ) ( ) \*

COMMENTS:

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UNACCEPTABLE: ( ) - There is a major problem with this  
INTERVIEWED DURING VISIT: PRISONERS INTERVIEWED  
DURING VISIT:

8. ADDITIONAL COMMENTS:

**NARRATIVE**

1. USE OF THIS UNIT BY FEDERAL GOVERNMENT:

MAJOR USE: ( ) MODERATE USE: ( ) MINOR USE: ( )

2. GOVERNMENT NEED TO CONTRACT WITH THIS UNIT:

NECESSARY: ( ) - This is a single source supplier of needed service in the area; or, other suppliers in the area are unavailable to the Government or are clearly inferior.

DESIRABLE: ( ) - This service is superior or more conveniently located than other options which are available.

OPTIONAL: ( ) - This unit was selected over, or in addition to, other available units comparable in quality and convenience. Loss of this unit would not create a major problem for the Government.

3. OVERALL RATING ADJECTIVE:

SATISFACTORY: ( ) - There is no problem with this facility--it is operating quite satisfactorily. Any improvement needed would be minor.

UNSATISFACTORY: ( ) - There is a problem with this facility--it is not operating satisfactorily. Improvement is definitely needed, as noted elsewhere in this report.

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UNACCEPTABLE: ( ) - There is a major problem with this facility. The Government contracts with it only to meet the needs of the U.S. Courts, while expending major efforts to find alternatives; or the Government plans to give cancellation notice if situation continues over a specified length of time.

IF RATING IS "UNACCEPTABLE," COMMENT ON REASONS, OR REFER TO RELEVANT CHECKLIST ITEMS COMMENTED ON ELSEWHERE:

IF RATING IS "UNACCEPTABLE," IS CANCELLATION BEING CONSIDERED?

IF NOT, COMMENT ON THE SITUATION AND ANY CONSTRAINTS WHICH PREVENT CANCELLATION:

\*"Unacceptable" is not meant to imply that any Constitutional standards have not been met. It is simply a way of indicating the Bureau of Prisons has found major shortcomings in the facility or in its operations.

CCM Signature

Date

4. Management Center Administrator's Comments:

MCA Signature

Date

Date of next scheduled inspection:

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**CONTRACT CONFINEMENT INTERIM MONITORING  
INSTRUMENT**

1. Date of Review: \_\_\_\_\_
2. Date of Last Audit: \_\_\_\_\_
3. Community Corrections Manager (Name, Location, Code): \_\_\_\_\_  
\_\_\_\_\_
4. Facility (Name, Location, Code): \_\_\_\_\_  
\_\_\_\_\_
5. Facility Director: \_\_\_\_\_
6. Facility Operating Capacity: \_\_\_\_\_
7. Total Facility Population: \_\_\_\_\_
8. Total BOP Population: \_\_\_\_, BOP Male: \_\_\_\_, BOP Female: \_\_\_\_
9. (Check One) This is a Major \_\_\_ or Minor \_\_\_ use Facility.
10. Average Monthly Inmate-days Since Last Monitoring: \_\_\_\_\_
11. Is this Facility Co-Correctional? Yes: \_\_\_ No: \_\_\_  
If so, are Sleeping Areas Separated? Yes: \_\_\_ No: \_\_\_ Is  
There Supervision and Separation by Sex to Provide Privacy  
and Protection? Yes: \_\_\_ No: \_\_\_
12. Comment on Areas Found Deficient During Last Audit (Attach  
Extra Sheet, if Appropriate):
13. Comment on Life Safety Issues (Obtain Copy of Last Fire  
Marshal Inspection Report, If Appropriate):
14. Comment on General Sanitation (Including Food Service  
Program and Obtain Latest Copy of Food Service Establishment  
Inspection Report, If Appropriate):

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15. Comment on Inmate Accountability and Facility Security:

16. Number of Escapes Since Last Audit: \_\_\_\_\_

17. Does this Facility have a due Process Model, per Wolff vs. McDonnell, Policy for Disciplinary Action (Explain):

18. Comment on Whether staff Understand Release Procedures (When to Contact USMS, INS, Gratuities, Obtaining Bus Tickets, etc.)

19. Other Areas Considered Important to This Contract:

20. Date by Which Contractor is to Respond to Notice of Deficiencies: \_\_\_\_\_

---

Signature of Community Corrections Manager

---

Date

21. Date of Next Audit: \_\_\_\_\_

---

Signature of Management Center Administrator

---

Date

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Attachment 4-12, Page 1

**ALLEGATIONS OF CONTRACT STAFF MISCONDUCT/INTEGRITY ISSUES  
IN PRIVATELY OPERATED BUREAU OF PRISONS  
CONTRACT FACILITIES**

The following procedures have been developed to more efficiently investigate allegations of contract staff misconduct/integrity issues in privately operated BOP contracts, while still preserving the best interest of the government.

1. ACTION: Contract Oversight Specialists (COS) and Community Corrections Managers (CCM) will review allegations of contract staff misconduct in connection with the Standards of Conduct in the contract. These matters will be brought to the attention of the contractor and handled as any other violation of the contract's terms and conditions. However, the Office of Internal Affairs (OIA) and the Office of Inspector General (OIG) must be informed of all misconduct allegations. Timely reporting of all incidents and allegations is of paramount importance.

2. PROCEDURES:

A. Any information alleging staff misconduct violations of state, local, or Federal law must be reported to the OIG/OIA. In addition to the following, please refer to Program Statement 1210.11 Internal Affairs, Office of, for guidance.

The CCM will notify OIA, without delay, of the allegation followed by the SENTRY Electronic Mail System (EMS) notification (see attached form), with copies of the EMS and predication documentation (memorandums, etc.) mailed or sent via fax within 24 hours to OIA. A copy of the EMS notification will be sent to the staff member in the Community Corrections Branch - Contracting Section (CCB), Community Corrections and Detention Division, responsible for tracking community correction center (CCC) integrity issues.

Frequently, staff become aware of unconfirmed information alleging violations of the Standards of Conduct from unreliable sources. When this occurs, the COS or designated staff member will begin to gather preliminary data to assist in a determination whether a violation of the Standards of Conduct (or other contract requirements) may have occurred. However, it is important to note that "subjects" of the allegation(s) should not be approached without OIA approval. If the allegation is clearly determined to be insignificant and/or without merit, a memorandum or GroupWise e-mail documenting the results of the preliminary review shall be sent to OIA.

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OIA will refer all misconduct allegations to OIG for screening and classification (OIA will refer criminal matters involving inmate physical abuse and sexual contact [which would constitute the prosecutable offense of deprivation of civil rights under 18 U.S.C. 242] with an inmate to the Department of Justice, Civil Rights Division (CRD), for prosecutorial consideration). OIG may decide to investigate a potential criminal violation or serious administrative infraction rather than deferring the matter to the BOP. If this should occur, the respective CCM will be notified and unless directed otherwise, no further local investigative action should be pursued.

Upon deferral, OIA will inform the CCM either not to proceed, pending further review, or to proceed with a local investigation. All blocks on the attached EMS form shall be completed unless obtaining the information would jeopardize an investigation. In this case, the form shall be appropriately noted.

If instructed to proceed with a local investigation, the COS or designated staff member will begin to gather information or evidence (newspaper articles, letters, police reports, telephonic verifications with state and/or local officials, interviews, etc.) that assist in a determination whether a violation of the Standards of Conduct (or other contract requirements) has occurred.

The CCM in consultation with OIA shall be responsible for directing, tracking, and ensuring all activities throughout the local investigation, including a final investigative report, are completed. Updates concerning an open investigation will be provided to the OIA, Community Corrections Regional Administrator (CCRA), Management Center Administrator (MCA), and CCB as new information is available, but no less than monthly. OIA is available for consultation at any point during the investigative process.

B. The CCM shall utilize all available resources to properly investigate the allegations. OIA, Regional Counsel and the Central Office may be utilized as resources. CCMs may assign the investigation of CCC staff to the COS or Case Manager.

A final investigation report shall be completed by the MCA and shall include an explanation of the complaint, a summary of the investigative steps utilized, and the factual conclusions reached by the investigator. This final report, along with copies of relevant affidavits, police reports, etc., shall be mailed to OIA with all documents compiled during the investigation (i.e., affidavits, working papers) shall be maintained and preserved in the CCM contract file.

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C. If the allegation is unfounded, the CCM contract file will be documented by memorandum to OIA requesting CLOSURE and indicating the information/evidence gathered from the investigation does not support further examination. A copy of the memorandum, along with a copy of the actual investigative file, shall be sent to OIA for review. (A copy of the memorandum ONLY shall be sent to CCB for the purpose of updating the status.) OIA will notify the CCM when CLOSURE is made. MCAs will review these issues during operational reviews.

D. At the conclusion of the investigation where charges are sustained, the MCA will provide written direction to the CCM to pursue certain corrective contract compliance action through established (monitoring) procedures.

E. A copy of the CCM's letter to the contractor directing contract compliance action shall be sent to OIA.

3. RESEARCH

A. Information concerning all integrity allegations will be entered into the OIA computer database.

! the number of integrity/misconduct allegations (sustained or unsubstantiated);  
! the types of integrity/misconduct allegations (fraternizing, gambling, sex related, etc.)  
! expenditures of resources (travel costs, interviews, inspections, other financial expenditures, etc.);  
! annual trends within each CCM office area; and,  
! suggestions on how to prevent the circumstances leading to the integrity issue.

Through these guidelines, it is anticipated the BOP can more effectively and efficiently utilize existing resources to satisfactorily resolve contract staff misconduct.

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**REFERRAL OF STAFF MISCONDUCT INCIDENT IN CONTRACT FACILITY**

TYPE OF REPORT (CHECK ONE)

INITIAL \_\_\_\_\_ FOLLOW-UP \_\_\_\_\_

DATE OF REFERRAL:

TIME OF REFERRAL:

CCM OFFICE CODE:

REPORTED BY (NAME AND TITLE):

CONTRACT FACILITY (CITY / STATE): ASSIGNMENT CODE:

CONTRACT NUMBER:

DATE OF INCIDENT(S): TIME OF INCIDENT(S)

PLACE OF INCIDENT(S):

ALLEGATION:

SOURCE OF ALLEGATIONS:

SUBJECT FULL NAME: TITLE / POSITION:

DATE OF BIRTH: SEX:

SOCIAL SECURITY NUMBER: RACE:

\*If multiple subjects, use additional pages

VICTIM(S), FULL NAME AND REGISTER NUMBERS:

SUMMARY OF INCIDENT (WHO, WHAT, WHEN, WHERE, WHY):

-----  
STATUS (OPEN / CLOSED) (DESCRIBE ANY ACTION TAKEN LOCALLY PRIOR TO OIA REFERRAL. ARE THERE ANY OTHER LOCAL, STATE, OR FEDERAL AUTHORITIES INVOLVED?)

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## CONTRACTOR EVALUATION FORM (CEF)

Information for Request for Proposal \_\_\_\_\_  
(Complete if submitted for proposal only)

Evaluation Period: [ ] Interim [ ] Final Period  
(Complete if submitted for contract evaluation only)

\_\_\_\_\_ DATE

1. Offeror/Contractor Name \_\_\_\_\_

2. RFP/Contract Number \_\_\_\_\_

Address and Telephone #:

3. Contract Value (Base plus options): \_\_\_\_\_

4. Contract Award Date: \_\_\_\_\_

Contract Completion Date: \_\_\_\_\_

5. Type of Contract: (Circle all that apply) -- [FFP] [FPI] [FP-EPA]

[FPAF] [CPFF-COMPLETION] [CPFF-TERM][CPIF] [CPAF] [ID/IQ]

[BOA] [REQUIREMENTS] [LABOR-HOUR] [T&M] [SBSA 8(a)] [SBIR]

[SEALED BID] [NEGOTIATED] [COMPETITIVE] [NON-COMPETITIVE]

6. DESCRIPTION OF CONTRACT REQUIREMENTS:

7. Rating: Summarize offeror/contractor performance and circle in the column on the right the number which corresponds to the performance rating for each category. See the attached Rating Guidelines to determine rating

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scale.

CONTRACT COMPLIANCE	COMMENTS:	0
- Accuracy of Reports		1
- Meet Staffing Criteria		2
- Food Service Program		3
- Life Safety Standards		4
- Substance Abuse Program		
- Accountability		
- Technical Excellence		
		++
CUSTOMER SATISFACTION	COMMENTS:	0
- Reliable		1
- Subsistence Collection		
- Facility Design/Location		2
- Facility maintenance & Repair		
- Responsiveness to Technical Direction		3
		4
		++
BUSINESS RELATIONS	COMMENTS:	0
- Effective Management		1
- Business-Like Correspondence		
- Current, Accurate and Complete Billings		2
- Responsive to Contract Requirements		
- Prompt Notification of Problems		3
- Reasonable and Cooperative		
- Flexible		4
- Pro-active		
- Effective Contractor-recommended Solutions		++
- Use of Small and Small Disadvantaged Business Subcontracts		

Mean Score (Add all ratings and divide by number of areas rated) \_\_\_\_\_

If applicable, did the contractor subcontract for any of the above services?

If so, did the contractor properly monitor subcontractor's performance?

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8. RATER:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ D  
Date: \_\_\_\_\_ Period Rated: \_\_\_\_\_  
Position/Title: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
Fax #: \_\_\_\_\_

If CEF is completed telephonically, furnish all information above for interviewees except signature and completed information below for individual conducting interview.

Name: \_\_\_\_\_ Period Rated: \_\_\_\_\_  
Date: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
Position/Title: \_\_\_\_\_ Fax #: \_\_\_\_\_

9. Would you select this firm again? Please provide a brief explanation:

10. (Applicable only for contract evaluations) Contractor's Review:

Were comments, rebuttals or additional information provided? Attach if submitted. [YES]

[NO]

11. (Applicable only for contract evaluations) Information on Contractor's Authorized Representative submitting comments, rebuttals or additional information:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date: \_\_\_\_\_ Period Rated: \_\_\_\_\_  
Position/Title: \_\_\_\_\_ Telephone \_\_\_\_\_  
#: \_\_\_\_\_  
Fax #: \_\_\_\_\_

12. (Applicable only for contract evaluations) Agency Review:

Were contractor comments reviewed at a level above the Contracting Officer? [YES]

[NO] Attach comments. Number of pages: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date: \_\_\_\_\_ Period Rated: \_\_\_\_\_  
Position: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
Fax #: \_\_\_\_\_

13. Contract Compliance

| Customer Satisfaction

| Business Relations

Revised Score: | Revised Score: | Revised Score:

---

14. Revised score (add all scores and divide by number of areas rated) \_\_\_\_\_

15. (Applicable only for contract evaluations)

Contracting Officer Endorsement (Applicable only if contractor does not rebut rating and request review)

Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date: \_\_\_\_\_ Period Rated: \_\_\_\_\_  
Position: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
Fax #: \_\_\_\_\_

16. Ratings: Summarize offeror/contractor performance and circle in the column on the right the number which corresponds to the performance rating for each category. See the attached Rating Guidelines to determine rating scale.

---

CONTRACT COMPLIANCE	COMMENTS:	0
-Accuracy of Reports		1
-Meets Staffing Criteria		
-Food Service Program		2
-Life Safety Standards		
-Substance Abuse Program		3
-Accountability		
-Technical Excellence		4

++

CUSTOMER SATISFACTION	COMMENTS:	0
-Reliable		1
-Subsistence Collection		2
-Facility Design/Location		
-Facility Maintenance and Repair		3
-Responsiveness to Technical Direction		4

++

---

0

BUSINESS RELATIONS	COMMENTS:	1
-Effective Management		
-Business-like Correspondence		2
-Current, Accurate and Complete Billings		
-Responsive to Contract Requirements		
-Prompt notification of Problems		3
-Reasonable and Cooperative		
-Flexible		
-Pro-active		4
-Effective Contractor-recommended Solutions		
-Use of Small and Small Disadvantaged		
++		
Business Subcontracts		

MEAN SCORE (ADD ALL RATINGS AND DIVIDE BY NUMBER OF AREAS RATED) \_\_\_\_\_  
IF \_\_\_\_\_

APPLICABLE, DID THE CONTRACTOR SUBCONTRACT FOR ANY OF THE ABOVE SERVICES?

IF SO, DID THE CONTRACTOR PROPERLY MONITOR SUBCONTRACTOR'S PERFORMANCE?

#### RATING GUIDELINES

Summarize contractor performance in each of the rating areas. Assign each area a rating of **0** (unsatisfactory), **1** (poor), **2** (fair), **3** (good), **4** (excellent), or **++** (plus). Use the following instructions as guidance in making these evaluations. Ensure that this assessment is consistent with any other Agency assessments made (i.e., for payment of fee purposes).

Compact Compliance	Customer Satisfaction	Business Relations
<ul style="list-style-type: none"> <li>-Accuracy of reports</li> <li>-Meet staffing criteria</li> <li>-Food service program</li> <li>-Life safety standards</li> <li>-Subsistence abuse program</li> <li>-Accountability</li> <li>-Technical excellence</li> </ul>	<ul style="list-style-type: none"> <li>-Reliable</li> <li>-Subsistence collection</li> <li>-Facility design/location</li> <li>-Facility maintenance and repair</li> <li>-Responsiveness to technical direction</li> </ul>	<ul style="list-style-type: none"> <li>-Effective management</li> <li>-Businesslike correspondence</li> <li>-Current, accurate and complete billing</li> <li>-Responsiveness to contract requirements</li> <li>-Prompt notification of problems</li> <li>-Reasonable/cooperative</li> <li>-Flexible</li> </ul>
<ul style="list-style-type: none"> <li>-Pro-active</li> <li>-Effective contractor recommended solutions</li> <li>-Effective small/small disadvantaged business subcontracting program</li> </ul>		

<b>0.</b> Unsatisfactory	Nonconformances are compromising the achievement of contract requirements, despite use of agency resources.	Deficiencies are compromising the achievement of contract requirements, despite use of agency resources.	Response to inquiries, technical/service/administrative issues is not effective and responsive.
<b>1.</b> Poor	Nonconformances require major Agency resources to ensure achievement of contract requirements.	Deficiencies require major agency resources to ensure achievement of contract requirements.	Response to inquiries, technical/service/administrative issues is marginally effective and responsive.
<b>2.</b> Fair	Nonconformances require minor Agency resources to ensure achievement of contract requirements.	Deficiencies require minor agency resources to ensure achievement of contract requirements.	Response to inquiries, technical/service/administrative issues is somewhat effective and responsive.
<b>3.</b> Good	Nonconformances do not impact achievement of contract requirements.	Deficiencies do not impact achievement of contract requirements.	Response to inquiries, technical/service/administrative issues is usually effective and responsive.
<b>4.</b> Excellent	There are no quality problems. issues is effective and responsive.	There are no deficiencies.	Response to inquiries, technical/service/administrative

**++PLUS** The contractor has demonstrated an exceptional performance level in any of the above 4 categories that justifies adding a point to the score. It is expected that this rating will be used in those rare circumstances when contractor performance clearly exceeds the performance levels described as "Excellent."

## CHAPTER 5. CASE MANAGEMENT

Case management is an integral part of community corrections. Community corrections staff perform many functions for offenders in contract facilities that would be performed by case/unit managers in federal institutions. Therefore, CCMs must have a working knowledge of case management practices and procedures.

### 5.1. DESIGNATIONS

Detailed instructions for completing the Inmate Load and Security Designation form (BP-S337.051) are contained in the **Security Designation and Custody Classification Manual**. In addition, the CCM shall be guided by the procedures outlined below.

As the first Bureau employees to be involved with federal inmates, CCMs must decide whether to designate a non-federal or federal facility. It is important for the CCM to review initial designation cases to determine whether they qualify for community-based programs.

Ordinarily, offenders with court recommendations to serve their sentences in a particular non-federal facility shall be placed there. Generally, these cases are reviewed biennially. State placement cases also require a biennial review.

After the designation is finalized, the CCM shall inform the U.S. Marshals Service (USMS) who has responsibility for transporting the inmate to the designated facility. When the case is a voluntary surrender, the USMS is to notify the inmate where and when to report. In these situations, local notification procedures may be established with the USMS and United States Probation Service (USPS).

The BP-S337 Remarks section should be used to comment on the nature of the offense, violent or unusual behavior, mental health or medical problems, escape history, threatening behavior toward national leaders, and criminal sexual behavior. If an item is scored in any portion of the form, a brief explanation should be included in the Remarks section of the BP-S337. If significant concerns are involved or there has been serious misconduct while in pre-trial status, it may be necessary to submit a separate memorandum via BOPNet GroupWise to the Designator briefly outlining the circumstances. Inmates with physical or mental health concerns shall be referred directly to the Central Office Medical Designator using appropriate comments in the Remarks section.

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If the USMS requests designation and it is determined the sentence has already been completed (i.e., satisfied by jail credit), a designation shall not be done. However, it is necessary for community corrections staff to do a complete sentence computation even if the J&C indicates "Time Served"; an independent sentence computation will not suffice. Once the computation is completed it must also be satisfied (e.g., the date, time, and method of actual release must be entered).

In the Remarks section of the sentence computation, the CCM shall indicate that a sentence computation was completed on a released USMS prisoner and list what documents were used to do the sentence computation. For example: released USMS prisoner (129, PSI, J&C).

During the initial designation process, community corrections staff must perform an independent sentence computation using the SENTRY "Independent Sentence Computation" transaction for each inmate serving a sentence of one year or less. Good judgment shall be used to determine if this is needed for inmates serving sentences over one year when it appears the inmate has less than one year remaining. Performing independent sentence computations on such cases will help ensure proper consideration of jail time credit during initial designation, thereby reducing the potential for late releases.

All available 129s, PSIs, and prior sentence computations are to be reviewed. The CCM shall also complete an ARS history transaction to determine whether an inmate spent any pre-trial time in a Bureau institution.

After completing the independent sentence computation on cases that meet the criteria and consulting with the LIE on jail credit accuracy, the CCM shall place a note under the Remarks section of the BP-S337 indicating the tentative release date (TRD) with number of days jail time credit (JTC). For example: TRD w/292 JTC= 06-22-95. This will alert the Designator and staff at the institution of the short release date. This information shall be available to holdover facilities, the USMS, and other staff with access to SENTRY.

When notifying the USMS of the designated institution, the CCM should also highlight the short release date. The USMS may have to hold locally and eventually release the inmate if the date is too close for transfer to the designated facility. This decision rests with the USMS.

If background information (pre or post sentence investigation) has not been completed, the CCM shall conduct an NCIC/NLETS check

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and annotate in the BP-S337 Remarks section. The inmate must be designated to at least a LOW security level institution.

Due to strict requirements for medical confidentiality, knowledge regarding HIV-infected offenders shall be limited to staff with a need to know. In order to maintain confidentiality, community corrections staff shall communicate this information to the medical designator in a separate memorandum via BOPNet.

**5.1.1. Placement of Inmates with Mental Health Issues or Histories of Suicidal Behavior**

To reduce the possibility of inmate suicides in contract detention facilities:

a. Each CCM or COS shall review their contract detention facilities regarding mental health and suicide prevention practices to determine their ability to deal with this population. Ordinarily, jail-type facilities that have ACA accreditation or state certification have acceptable suicide prevention programs. However, the Bureau cannot rely entirely on this information. CCMs and/or COSSs must base their conclusions upon sound correctional practice. In addition to accreditation and certification, key factors to look for when conducting the survey include:

e           suicide and mental health training for staff,  
e           heightened supervision for high-risk inmates,  
e           availability of emergency resuscitative equipment,  
e           availability of mental health professionals at the facility, and  
e           formal policies and procedures governing their practices.

b. During the designation process, sensitivity must be given to an inmate's prior mental health concerns or history of suicidal behavior. If such a history exists, a Bureau institution, or a contract facility capable of dealing with this type of inmate, shall be designated.

c. It is critical that contract facilities contact CCM staff whenever an inmate shows evidence of suicidal tendencies, or demonstrates any unusual or dangerous behavior. The CCM shall carefully review this information and consult with the MCA, the CCRA, and Bureau mental health staff, such as the regional psychology services administrator, to determine if the inmate should remain at the facility or be transferred.

### 5.1.2. **Early Designation for Inmates in State Custody**

When prisoners are within 30 days of release from state sentences and a federal term of incarceration is to follow, community corrections staff shall act upon requests for designations from the USMS. Community corrections staff shall contact a state employee for a verbal report on the inmate's offense conduct and institutional adjustment (to include incident report history) as it applies to the designation process. They must also confirm the scheduled release date before requesting designation. The USMS must provide documentation verifying the sentence is complete.

For procedures to follow for inmates with concurrent federal and state sentences, refer to the Program Statement on **Designation of State Institution for Service of Federal Sentence**.

### 5.1.3. **Voluntary Surrenders**

The courts allow some inmates to surrender voluntarily to designated facilities. If the court does not establish a date, the CCM shall contact the USMS to establish a surrender date. If the USMS does not establish a date, the CCM may do so. When the CCM becomes aware of a change in a date of voluntary surrender, he or she shall notify the regional designator and the Inmate Systems Manager (ISM) at the designated institution via BOPNet. Contract facilities shall be notified of surrender date changes by telephone or mail. Documentation of this notification must be maintained until the voluntary surrender has occurred. This documentation may be maintained by saving the BOPNet message in an electronic file, by a comment in the designation log, or another method the CCM deems appropriate. Self surrender dates for ICC designations should be established as close to the class start date as is practicable. For further information, refer to the Program Statement on **Unescorted Transfers and Voluntary Surrenders** and, in the case of voluntary surrender to an ICC, the **Intensive Confinement Center** Program Statement.

### 5.1.4. **Appeals**

If a CCM becomes aware that an inmate has been released on an appeal after an institution was designated for that inmate, the CCM shall notify the regional designator and the ISM at the designated federal institution by BOPNet. If a contract facility is the inmate's designated location, the CCM shall notify staff at that facility. Documentation of notification must be maintained until the appeal process is completed. The documentation may be noted in an electronic file or another CCM approved method.

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#### 5.1.5. Records and Documents

- a. CCMs shall maintain a designation tracking system (see **Attachment 5-1, Designation Log**) that provides sufficient information to permit review of the designation process. These records are to be maintained until the next Program or Operational Review. If cases are not processed in a timely manner as noted in the **Security Designation and Custody Classification Manual**, the CCM shall clearly document the reasons.
- b. When federal institutions are designated, CCMs shall forward (by regular mail) within two working days, copies of Central Inmate Monitoring (CIM) documentation, if available, to the CIM coordinator and all copies of the PSI and other relevant information or documents to the ISM at the designated institutions.
- c. When non-federal contract facilities or Bureau institutions are designated, CCMs shall forward copies of the designation teletypes or memos and any other relevant information or documents (including PSIs) to the facilities within two working days. If the CCM believes the inmate will arrive in less than five days, all documentation shall be sent by **overnight mail or facsimile** within one working day of the designation to the appropriate Bureau or contract facility.
- d. CCMs shall complete **Attachment 5-1a, Tracking Juvenile Designations**, for all federal juveniles sentenced on or after July 1, 1998, at the time of designation and with every subsequent change of facility. This form shall be submitted to the Central Office CCB.

#### 5.2. REFERRALS FOR INSTITUTION TRANSFER TO CCCs

The Bureau's goal is to provide release preparation services to all inmates who have need of such services and who meet requirements for placement in the community. Refer to the Program Statement on **Community Corrections Center (CCC) Utilization and Transfer Procedure** and the **Security Designation and Custody Classification Manual**.

Bureau institution staff submit standard referrals to CCMs for release preparation placement in CCCs. CCC referral procedures allow the CCM to set an appropriate placement date within the range the referring institution requested. CCMs should also review referrals to determine whether the inmate qualifies for

other community-based programs (home confinement, drug treatment, etc).

#### 5.2.1. **Special Cases**

a. Military prisoners who will release directly from Bureau institutions may be transferred to contract CCCs. Other military prisoners, including military supervision cases, may not.

b. State prisoners boarded in Bureau institutions are **not** eligible for placement in Bureau contract facilities.

#### 5.2.2. **Procedures**

Upon receiving a completed CCC referral package, the CCM shall expedite one copy to the appropriate CCC, accompanied by a cover memorandum recommending a placement date and listing any special program requirements. The CCM shall indicate a specific placement date based upon known resources. A response from the CCC is expected after receipt of the referral package. CCMs must monitor referrals to ensure this occurs.

a. Acceptance. When a CCC accepts an inmate, the CCM and CCC staff shall notify the institution. CCMs shall add the destination assignment to the inmate's SENTRY record. The effective date of the assignment will be the approved transfer date. The scheduled transfer date should allow the institution at least 10 working days to process the release paperwork. If the date is subsequently altered or canceled, CCMs must modify the effective date or delete the assignment **and** notify the institution.

b. Rejection. When a CCC does not accept an inmate, the CCC Director must write to the CCM outlining the reasons. The CCM shall review the rejection to determine if it is justifiable and not based on a lack of information. The CCM may want to discuss the rejection with the CCC Director for reconsideration. When it is certain that placement cannot be made, the CCM must consider placement in another CCC or probation's electronically monitored home confinement program. If the CCM is unable to place the inmate in the community, the institution shall be notified of reasons for the denial by BOPNet, the referral package shall be disposed of, and the CCC rejection letter shall be mailed to the institution. The CCM shall enter the reason for denial using the appropriate SENTRY COM assignment. The CCM shall maintain a record of rejections until the next Program or Operational Review.

c. Referral Log. Each CCM shall maintain a chronological log of CCC transfer referrals. Records shall be maintained until the next Program or Operational Review. The log must contain at least:

- e Offender name and register number.
- e Referral institution and date referral was received.
- e Name of referral CCC (or 3-digit code) and date of referral to CCC.
- e Date of CCC reply.
- e Transfer date.
- e Date institution notified (via DST waiting list).
- e Comment section.

### **5.3. DIRECT PLACEMENT OF OFFENDERS IN CCCs**

All direct placements, including supervision and direct court commitments, shall be subjected to the more restrictive Community Corrections Component of the CCC program, unless directed otherwise by judicial recommendation.

#### **5.3.1. Probation/Supervised Release**

a. Judges may require probationers to reside in or participate in a CCC program as a condition of supervision. If CCMs determine that space is available, they shall authorize CCCs to accept the offenders and the CCM or CCC Director shall notify the USPO.

b. The Bureau pays for probationers and supervised releasees in CCCs only when a court or U.S. Parole Commission order requires it as a condition of supervision; however, expenses for pretrial cases in CCCs, including alleged probation violators who may be required to reside in CCCs as a condition of release from jail, are the responsibility of probation or the pretrial agency.

#### **5.3.2. Parole/Mandatory Releasees**

The U.S. Parole Commission may require parolees and mandatory releasees to reside in CCCs as a condition of supervision. If the CCM determines space is available, they shall authorize CCCs to accept the offenders and the CCM or CCC Director shall notify the USPO.

#### **5.3.3. Direct Court Commitments**

Federal judges may recommend that CCCs be designated for inmates to serve short-term sentences (ordinarily less than one year).

CCMs shall carry out such a recommendation if they determine that this designation is appropriate. CCMs shall consult with MCAs in all situations of designation of community based facilities for periods exceeding one year. If space is not available or if inmates are inappropriate for designation of CCCs, an appropriate designation shall be made. The sentencing judge shall be notified in writing, with an explanation outlining the reasons for not satisfying the judicial recommendation regarding a specific institution or program as noted in the Program Statement on

**Judicial Recommendations and U.S. Attorney Reports.**

**5.3.4. Community Confinement**

**Title 18 U.S.C. § 3563(b) and United States Sentencing Guideline Section 5C1.1**, provide for residence in or participation in the program of a community corrections facility. Inmates who are sentenced to community confinement reside in a CCC in lieu of some portion of the term of commitment required by the Sentencing Guidelines. The judgment should specify "Community Confinement." The CCC referral package should contain the same information as specified in the referral package for Public Law placements.

**5.3.5. Intermittent Confinement**

Offenders sentenced to Intermittent Confinement remain in Bureau custody during nights, weekends, or other time periods, in lieu of some portion of the term of commitment required by the Sentencing Guidelines. This condition of probation is authorized in **Title 18 U.S.C. § 3563(b) and United States Sentencing Guideline Section 5C1.1**. Usually, it is served in jail. If no jail or institution is available, a CCC may be designated with the court's approval or upon the court's recommendation. These commitments shall be handled like direct court commitments; the USMS must request designation for an Intermittent Confinement commitment after they receive the Judgment in a Criminal Case specifying commitment to the Bureau. These commitments are subject to the same discipline, escape, and sentence computation procedures (see the **Sentence Computation Manual** for rules on awarding jail credit) as other Bureau inmates during the period of Intermittent Confinement. They are probationers during other times. If a CCC is designated, these cases are subject to the provisions of the Community Corrections Component. These offenders should be treated as inmates to the greatest extent possible. In the event of a serious disciplinary infraction the sentencing court should be notified.

### 5.3.6. CCC Placement as a Release Condition

Offenders who are placed on supervised release or have a supervised release period stipulated to follow confinement in their Judgment in a Criminal Case may be required to reside in a CCC as a condition of supervised release for the time specified by the court. The USPO may refer offenders serving a supervised release term in the community who require a more structured environment to the CCM for CCC placement. When inmates are released directly from institutions with a court or U.S. Parole Commission ordered supervision release condition that they reside in a CCC, institution staff shall forward a referral package to the CCM and providing CIMS clearance when appropriate. Refer to the Program Statement on **Community Corrections Center (CCC) Utilization and Transfer Procedure.**

### 5.4. CENTRAL INMATE MONITORING SYSTEM

The Central Inmate Monitoring (CIM) System is a classification system the Bureau uses to monitor the transfer, temporary release, and community-based activities of inmates who present special concerns for management. The CCM has clearance authority for all CIM assignments, except Witness Security cases, which are reviewed by the Central Office Inmate Monitoring Section. Community corrections staff shall notify the "Review Authority" of clearances using EMS Form 404, Requesting Central Inmate Monitoring Clearance. See the Program Statement on **Central Inmate Monitoring System** for additional information and guidance on who the appropriate "Review Authority" is in different cases.

As CIM "Coordinators" for inmates confined at contract facilities, CCMs have the same responsibility as the institutional CIM "Coordinators" for CIM cases in their areas. CCMs are involved in the designation process and in providing case management services to inmates in the community. They are the first to become involved with inmates when U.S. Marshals request a designation. It is required that the CCM and case manager be certified in CIM procedures and complete CIM Certification every three years.

CIM areas unique to community corrections offices are:

5.4.1. Watching for local media and other information on potential CIM cases; keeping a daily log and a file with CIM material and sending material to the regional office, as appropriate; and keeping the file in a locked drawer if it is a Witness Security case so only those with a need to know have access.

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5.4.2. Identifying inmate management issues that may pose concerns during confinement or while in the community.

5.4.3. Initiating requests for written documentation that substantiates CIM classification. Forwarding information gathered on inmates to the CIM Coordinator at receiving institutions.

5.4.4. Transmitting CIM information to the regional designator for consideration with designation requests. Information about separatees and WITSEC inmates **must not** be included in the Remarks section of the designation request form, but shall be communicated by phone, SENTRY, or BOPNet.

5.4.5. Ensuring that any inmate for whom a contract facility is designated is notified in writing, as promptly as possible, of the CIM classification and the basis for it. The inmate shall sign for and receive a copy of the notification form.

5.4.6. Preparing the packet on all inmates for whom contract facilities are designated and are identified as CIM cases, as outlined in the Program Statement on **Central Inmate Monitoring System**. The CCM shall ensure that the files of **all** inmates so identified contain the 8½ x 11 inch white card stamped: **"NOT TO BE TRANSFERRED OR PARTICIPATE IN COMMUNITY ACTIVITIES WITHOUT CIM CLEARANCE."**

5.4.7. Ensuring that clearance for CIM cases approved for CCC transfer has been obtained before the inmate arrives at the facility. This clearance is to be documented in the file, with a hard copy printed no earlier than one to seven days before an inmate's arrival. Checking for prior CIM classification on public law cases is necessary. If a prior separatee is at the CCC, the CCM must ensure the inmate's safety is not jeopardized.

5.4.8. Monitoring of clearances for transfers or community activities outside the commuting area of the contract facilities by the CCM.

In reference to additional CIM clearance for CIM cases who are transferred from a CCC to a home confinement program, the CIM activity clearance for a CCC placement is from the time the inmate departs the institution through the time he or she is released from the CCC or other community programs. There is no need for CIM clearance for inmates going from a CCC to home confinement if the home confinement location is within the same commuting area. This also applies to inmates transferring from one contract facility to another under the same CCM office;

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however, a review of the CIM status shall be conducted to ensure separatees are not placed at the same facility.

5.4.9. Register numbers for uncommitted separatee(s) can be obtained from the regional designator. See the Program Statement on **Central Inmate Monitoring System**.

5.4.10. CCM authorization of CIM clearance when CCC inmates must be transferred. Another unique responsibility is approving CIM inmates for furloughs outside the commuting area. In separation/state boarder cases, the CCM approving the furlough shall complete the SENTRY clearance transaction using EMS Form 404, Requesting Central Inmate Monitoring Clearance.

#### **5.5. REPORTING SIGNIFICANT INCIDENTS, EMERGENCIES AND DEATHS**

CCMs shall report and route unusual and serious incidents, assaults, deaths, disturbances, fires, natural disasters, weapons discharges, and adverse incidents that may result in significant publicity using the Report of Incident form. Uses of force, restraints, or chemical agents shall also be reported on the Report of Incident form. An After-Action Review Report (EMS Form 586) shall be prepared as necessary. Each of these forms shall be routed to all listed on the bottom of the form and to the MCA, CCRA, and the Central Office COMM CORR mailbox.

The regional duty officer shall be notified when the occurrence is on a weekend or after normal business hours. There will be circumstances when some of these incidents present regional or national sensitivities and require immediate or next day telephonic alert to respective staff in the regional and Central offices. For example, if there is a probability for regional or national media attention to the incident, immediate telephonic reporting may be called for in addition to completing the Incident Report.

In the event of a significant escape, related incident, or death of an inmate in a contract facility, the CCM shall follow procedures outlined in the Program Statement on **Escapes/Deaths Notification**. The CCM performs the same role as the chief executive officer. In the event of an inmate death, CCC or jail staff shall take a rolled right thumb print and arrange for the death certificate to be completed. These two documents shall be mailed to the CCM, who shall make sure both are placed in the Inmate Central File. A copy of the death certificate shall be mailed to the Regional Health Services Administrator.

The CCM shall instruct contract facility staff to call the local coroner to review the case if the death is violent, accidental

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with unusual or questionable circumstances, or sudden, when the deceased had not been under medical supervision. In all other cases, the CCM shall follow local law or practice in disposing of the body. If relatives claim the body, the Federal Government has authority to release it to them. If the relatives live at a distance, the government shall pay the cost of transporting the body and the expense of preparing it for shipment, including embalming, clothing, casket, and shipping container. If the body is not claimed by relatives, the government has authority to arrange and pay for local burial expenses. The regional contract specialist shall provide information on maximum allowable expenses. Price quotes shall be obtained from several morticians and provided to the contract specialist, who shall select the vendor and issue a purchase order.

When embalming or an autopsy is necessary, refer to the Program Statements on **Autopsies, Authority to Order** and the **Health Services Manual** for further information regarding religious practices. The regional chaplaincy administrator is to be contacted for guidance.

The CCM shall report all deaths immediately to the Regional Correctional Services Administrator by telephone, confirm by BOPNet and forward with copies of the Incident Report to the Correctional Services Administrator and National Health Systems Administrator in the Central Office, MCA, CCRA, and CCA.

The CCM must notify the sentencing U.S. district court judge by letter, with copies to the U.S. Attorney, Chief U.S. Probation Officer, and the Regional Director. The Program Statement on **Escapes/Deaths Notification** also explains special handling for WITSEC cases, notification procedures for family and friends, medical reports, and other information needed.

## 5.6. **ESCAPES**

### 5.6.1. **Definition and Application**

Any committed inmate who fails to report to a contract facility for admission, fails to remain at the approved place of employment or training during the hours specified by the terms of the employment or training program, fails to return to the facility at the prescribed time, or fails to return from any other approved absence at the time and place stipulated, may be placed on escape status after staff have completed and documented routine procedures to locate the inmate.

The federal escape statute only applies to those who escape from the custody of the Attorney General or Bureau. A person in a CCC

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as a condition of probation, supervised release, or bond is thereby order of the committing court and is not deemed to be in the custody of the Attorney General or the Bureau. Probationers and those on bond who leave a CCC without permission cannot be prosecuted for escape, and should not be required to sign documents indicating they can be. Having CCC staff add this statement to their forms or rules may prevent problems:

**"A person who is residing in this CCC as a condition of probation, parole, supervised release, or bond is not in the custody of the Attorney General or Bureau of Prisons and thus cannot be prosecuted for escape if they leave the facility without permission. However, any unauthorized departure from the facility by those on probation, parole, or bond will be immediately reported to appropriate court personnel."**

Any offender on probation or bond is considered to have absconded from supervision rather than escaped from custody. **It is not necessary to complete the Escape Report, EMS Form 907, for absconders.**

#### 5.6.2. **Procedures**

##### a. Escape from a contract facility

(1) CCMs must ensure that all contract staff are familiar with escape reporting procedures.

(2) Contract staff must report escapes to CCMs immediately after the inmate is placed on escape status (no reporting delays are allowable for escapes from secure-type facilities). Staff should not wait until regular working hours if the escape occurs in the evenings or on weekends. The CCM shall ensure the CCC staff can contact CCM staff after hours. This may include providing a beeper or cell phone number (with backup home number of a staff member), or providing the home phone numbers of at least two community corrections staff members. CC Offices shall establish local procedures for immediate USMS notification.

(3) Upon notification of an escape during non-duty hours, the CCM shall determine the necessity to contact the regional duty officer, depending on the circumstances of the escape, but shall always report escapes from secure custody.

These requirements necessitate CCM staff being aware of the weekly

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regional duty officer roster. Escapes from contract confinement facilities (jails, long-term institutions, juvenile boarding facilities) must be reported immediately.

(4) The CCM shall complete the Community Corrections Escape Report (EMS Form 907), (**Attachment 5-2b**). The following information may be of assistance in filling out this form:

ESCAPE FROM CUSTODY - Under this category, report an inmate whose whereabouts are unknown after contract staff have tried to locate the inmate at local jails, hospitals, job, and pass locations.

ESCAPE DUE TO COMMUNITY ARREST - Under this category, report an inmate who is missing as a result of an arrest by a law enforcement authority. The CCM is aware of the inmate's location and has initiated procedures to place a detainer in favor of the USMS with the USM having custody. The CCM shall ask the USMS to notify the CCM when the detainer is executed. In SENTRY these are identified as technical escapes.

Community Arrest/New Criminal Behavior - An inmate is arrested for engaging in new criminal behavior since assignment to a community based program, such as when an inmate is arrested and charged with a robbery that occurred while signed out of the CCC.

Community Arrest/Old Criminal Behavior - An inmate is arrested for criminal behavior that occurred prior to assignment to a community based program. For example, the inmate is arrested by an officer who recognizes him as having a warrant pending since before this incarceration.

The "Circumstances" section should include basic information pertaining to the escape with facts related to any new or old criminal behavior, injuries, and/or media attention. Note any public safety factors or special management concerns as well as pertinent background information on the inmate and offense not detailed in the Inmate Load and Security Designation form (BP-S337). Facts pertaining to the CCC's

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accountability procedures regarding the incident are to be included.

Other areas in the Escape Report are self explanatory. CCMs need to ensure this entire form is completely filled out with accurate information pertaining to the inmate's status.

(5) The CCM must notify the FBI and USMS within the district of the escape immediately of an escape. Details of the escape and the identity of the escapee must be furnished.

The Notice of Escaped Federal Prisoner form (BP-S393.058) is to be used for this notification. In addition, the CCM needs to send a message to the USMS authorizing them to apprehend and detain the escaped federal prisoner. For an escape due to community arrest, the CCM **needs only** to send a JUST message to the USMS to have a detainer placed on the escapee. Other notifications are not necessary.

(6) When an inmate escapes, CCMs shall send a letter via fax immediately (within the first working day) to the sentencing judge(s) explaining the details of the escape, including a copy of the BP-S393, followed by original correspondence. The U.S. Attorney and U.S. Probation Office shall be faxed a copy of the letter to the judge. This procedure does not apply to escapes due to community arrest.

(7) CCMs shall update SENTRY to indicate changes in release status, COM assignments, custody, good time, and sentence computation.

(8) CCMs shall maintain escape documentation, including copies of the escape report, notifications, and disciplinary information. Disciplinary information is filed in a separate disciplinary file. This documentation can be disposed of once a Program/Operational Review has been conducted and the individual has been apprehended.

(9) The CCM shall purge file material already in the Inmate Central File, include original escape documentation with disciplinary reports and escape notification, and send this to the parent institution along with a terminal report after disciplinary proceedings are completed.

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(10) The Bureau does not pay the contractor for the day of escape unless the contract specifies otherwise.

CCMs should be familiar with the procedures regarding escapes from community based programs found in the Program Statements on **Escape From Extended Limits of Confinement, Escape/Deaths Notification, and CCC Utilization and Transfer Procedure** as well as the **CCC Statement of Work**.

b. Escape while in route from an institution to a CCC:

(1) When an inmate on unescorted transfer fails to report to a CCC, the CCM shall report the inmate as an escapee via telephone and BOPNet GroupWise to the ISM at the sending institution. The U.S. Marshal in the CCC district shall be notified of the escape. The CCM shall also notify the Regional Director, Central Office, and the sending institution via BOPNet GroupWise of the escape.

(2) Staff at the sending institution shall update SENTRY to indicate changes in release status and sentence computation as well as preparing an incident report and conducting a discipline hearing in absentia. Institution staff shall complete the Incident Report and make all notifications as required by the Program Statements on **Unescorted Transfers and Voluntary Surrenders, Escapes/Deaths Notification, and CCC Utilization and Transfer Procedure**.

c. Apprehension or return to facility of contract facility inmate

(1) Apprehension of CCC failures is to be coordinated with the contractor and USMS to reduce the possibility of escape. This can be accomplished by issuing the incident report when the USMS arrives to take custody or by asking the USMS to pick up a home confinement inmate at his or her residence. The importance of immediate transfer must be stressed to the USMS when the CCM determines there is an escape risk or threat to the inmate and/or others. In routine cases, apprehensions should be scheduled to occur during normal business hours as noted in the Program Statement on the **Interagency Agreement between the Bureau of Prisons and U. S. Marshals Service**.

(2) Gather all information available related to the inmate's activities while on escape status. This may

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necessitate phone calls to the USMS, other arresting authority, or USPO.

(3) Complete the Community Corrections Apprehension Report (EMS Form 908), (**Attachment 5-2d**). This report should include information describing any new offenses committed and comments on whether injuries or media coverage resulted. Apprehension reports must be completed on escapes due to community arrest when they are returned to federal custody.

(4) Determine through the U.S. Attorney and/or the USMS if there will be federal escape prosecution. If so, do not designate until after prosecution and sentencing and the USMS has formally requested designation.

(5) Make the determination if local redesignation is appropriate, i.e. from a CCC to a local jail. If so, follow routine inter-facility transfer procedures. After designation is made, the CCM shall send a JUST message (**Attachment 5-2c**) to the USMS to transfer the inmate to closer custody.

(6) Contractors shall be advised to accept an escaped inmate returning to the facility always and to call the CCM immediately for further direction. The USMS shall be called to pick up the inmate immediately, unless the CCM chooses to expunge the incident report and charge the inmate with another accountability code.

If there are no significant criminal charges and a transfer to a Bureau institution is the most appropriate course of action, regular transfer procedures shall be followed as with any other CCC failure.

(7) If significant time has passed (weeks or more) from the date of escape and/or there have been significant criminal charges, the CCM shall do a new Inmate Load and Security Designation form (BP-S337).

(8) The Program Statement on **Escape from Extended Limits of Confinement**, provides guidelines for giving full credit for time served while detained or arrested, gives procedures for when a state institution is designated for continued service of federal sentence, and explains situations where escape status is to be nullified. Complex situations for which there appear

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to be no clear policy guidelines must be referred to the Regional Inmate Systems Administrator (RISA).

(9) The CCM shall check quarterly to see if an escapee has been apprehended via SENTRY, NCIC, and the USMS. The results of this check shall be documented.

**5.7 DISCIPLINE/IN-PROGRAM FAILURES.** This section applies to all inmates in contract facilities which are required, by the terms of their contract, to use a discipline system in which a Bureau DHO takes final action. For inmates identified as having sentences affected by the Violent Crime Control and Law Enforcement Act (VCCLEA) and the Prison Litigation Reform Act (PLRA), also see Section 5.8, SPECIAL DISCIPLINE PROCEDURES FOR VCCLEA/PLRA INMATES IN NON-FEDERAL FACILITIES.

For those contract facilities which are not required to use Bureau discipline procedures (generally local jails and state Departments of Correction) the CCM must ensure the facilities use and adhere to the concepts of due process as outlined in **Wolff v. McDonnell**.

The Program Statement on **Inmate Discipline and Special Housing Units** and prescribed procedures for inmate discipline as contained in the contractors respective **Statement of Work** shall be referenced.

The following Bureau forms are used during the community corrections disciplinary process and can be found on BOPDOCs:

BP-S494.073	Checklist for Center Discipline Committee Certification;
BP-S205.073	Incident Report (CCC's);
BP-S206.073	Inmate's Rights at Center Discipline Committee Hearing (CCC's);
BP-S207.073	Notice of Center Discipline Committee Hearing (CCC's);
BP-S495.073	Waiver of Appearance (CCC's);
BP-S209.073	Duties of Staff Representatives (CCC's);
BP-S208-073	Center Disciplinary Committee Report (CCC's);
BP-S389.058	Statutory Good Time Action Notice;
BP-S390.058	Extra Good Time Recommendation; and
BP-S448.058	Good Conduct Time Action Notice.

The following tables are used during the community corrections disciplinary process and can be found in the Program Statement on **Inmate Discipline and Special Housing Units**:

Table 3                  Prohibited Acts and Disciplinary Scale

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Table 4 Sanctions (Note: Sanctions applies with the exception that the VCCLEA/PLRA exemplary compliance requirement does not apply to inmates in contract facilities).

Table 5 Sanctions for Repetition of Prohibited Acts within the Same Category

The Discipline Hearing Administrator (DHA) shall establish procedures, within his or her respective region, for mailing completed CDC packets for review and imposition of final action.

#### **5.7.1. Community Corrections Center Staff**

The contractor shall comply with the Bureau of Prisons prescribed policy and procedures for inmate discipline as contained in its **Statement of Work**. No deviation from this policy may be permitted.

#### **5.7.2. Procedures Upon Admission to Center**

The contractor shall furnish a copy of "Table 3-Prohibited Acts and Disciplinary Scale," found in the Program Statement on **Inmate Discipline and Special Housing Units**, the center's disciplinary system, and the established rules of the facility to each new offender upon arrival. Copies of these documents shall be posted at a prominent location accessible to all offenders. The offender's file shall contain a receipt, signed by the offender, stating that the offender has received and understands the contents of these documents.

#### **5.7.3. Discipline Hearing Officer (DHO)**

Ordinarily, within three working days of receipt of the Center Disciplinary Committee (CDC) Packet, the DHO shall review it for compliance with the CDC discipline policy specified in this Manual and **Wolff v. McDonnell**. If there are any discrepancies in the CDC packet, the DHO shall communicate directly with the CDC Chairperson by telephone or written correspondence. In order to ensure that all phases of the discipline hearing record are complete and the findings are based on facts, the procedures have been followed, and that any delays are justified, the DHO shall complete the Checklist for Center Discipline Committee Certification form (BP-S494.073) and place it in the front of the CDC packet. The DHO shall also sign and date the CDC Report on the top right side to certify compliance with disciplinary requirements. If the DHO is not satisfied that all criteria are met, they will return the packets and point out errors and omissions to be corrected. If the DHO experiences recurring problems, the CCM should be notified so the issue can be

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addressed as a matter of contract compliance. If the DHO is satisfied that all criteria are met, he or she will certify, impose final action, and sign and date the CDC report. Additionally, the DHO will enter the incident report and charges using the SENTRY transaction "Update Charges" as well as revise the "Add Hearings/Findings" transaction immediately after final action is taken and enter the SENTRY report number in the upper right corner of the Checklist for CDC Certification. The report will be given an initial incident report status of "CDC". If an inmate has any prior discipline action, the DHO shall determine if there are any executable suspended sanctions using the SENTRY Sanctions Available to Execute. The Update Changes transaction should be done as soon as the packet is received from the CCC, even if the case is to be returned for corrective action. Doing so provides an effective tracking system of reports under review.

The DHO shall maintain a log to record pertinent information on each case reviewed. At a minimum, the log shall include:

e the inmate name, e  
register number, e  
facility,  
e date of CDC hearing,  
e date received by DHO,  
e date returned (if errors were discovered),  
e date reply received,  
e final action date,  
e SENTRY entry date,  
e SENTRY Incident Report number, and  
e date forwarded to the CCM.

This information shall be available for review by the Discipline Hearing Administrator and the Community Corrections Administrator.

#### **5.7.4. Procedures CCM to Follow After Imposition of Sanctions**

When the CCM receives the CDC packet from the DHO, he or she shall review the CDC packet further to ensure that it has been certified, sanctions imposed, signed and dated by the DHO as required. The DHO's sanction is final and subject only to the CCM's review to ensure conformity with the provisions of the community corrections discipline policy.

The CCM shall ensure the sentence is recomputed and/or initiate the transfer, if appropriate, and ensure that any other sanctions the DHO imposed are executed in accordance with directives.

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The CCM shall notify facility staff in writing of decisions and provide a copy of the CDC report for the inmate within three working days, if possible, but no longer than five working days from date of receipt of the final disposition from the DHO. Part II of the Incident Report (investigation) may not be given to the inmate. Any exceptions to this notification procedure must be justified and documented. If the inmate's whereabouts are unknown, as in the case of an escapee, the report and all material shall be sent to the parent institution for inclusion in the Inmate Central File. If an inmate is in-transit, his or her copy is to be sent to the transfer destination with a note to deliver it to the inmate upon arrival. Whatever action is taken to provide an inmate with his or her copy of the CDC report, must also be documented on the CCM's copy.

The CCM shall forward a copy of the CDC report to the U.S. Parole Commission on all cases with a parole date.

The CCM shall maintain a copy of a complete CDC packet for 12 months or until the next program or operational review is conducted. In escape cases, a duplicate packet shall be maintained until it has been determined the inmate was returned to custody and the discipline process has been completed.

The CCM shall maintain a log to record pertinent information on each case processed. At a minimum, the log shall include:

e       the inmate name, e  
register      number,      e  
facility,  
e       date of CDC hearing,  
e       date received from DHO,  
e       final action date,  
e       SENTRY Incident Report number, and  
e       the date a copy was sent to Inmate/CCC/USPC.

This information shall be available for review by the Discipline Hearing Administrator and the Community Corrections Administrator and shall be retained for at least two years.

Unless otherwise specified in the respective contract, state and local institutions and detention facilities may use their own discipline procedures as long as they comply with the due process requirements of **Wolff v. McDonnell**. These facilities may choose to use the procedures and forms for discipline in CCCs, providing the documents are modified to indicate the facility is other than a CCC. The CCM shall closely monitor these discipline systems to ensure continued compliance with **Wolff v. McDonnell** requirements.

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#### 5.7.5. **SENTRY Transactions**

The CCM shall complete and place in the inmate's file any of the following forms that are applicable: Form BP-S389.058, Statutory Good Time Action Notice; Form BP-S390.058, Extra Good Time Recommendation; Form BP-S448.058, Good Conduct Time Action Notice. The CCM shall forfeit and/or disallow any Good Time in SENTRY as directed by the DHO.

#### 5.7.6. **Appeals**

An inmate in a community corrections facility or program may contest disciplinary action imposed by the CCC/CDC staff or the DHO by appealing through the Administrative Remedy Program. When the inmate is advised of the disciplinary action, he or she shall also be advised of appeal procedures.

If the appeal involves only minor sanctions imposed by CCC/CDC staff, a Request for Administrative Remedy (EMS Form 229 - not available on BOPDOCS, paper only), may be used to appeal the action to the CCM. Minor disciplinary sanctions are not entered into the SENTRY "Inmate Discipline Data System." However, when a CCC/CDC minor sanction is appealed to the CCM via a Request for Administrative Remedy, the CCM must ensure that the appropriate data is entered into the SENTRY Administrative Remedy Module.

If the appeal involves final sanctions imposed by the DHO on an incident report (major or minor), the following shall determine the method to file an appeal:

**e** Request for Administrative Remedy form, filed with the respective Regional Director for inmates still assigned to a CCC.

**e** Letter to the Regional Director for inmates who have been removed from a CCC and placed in local jails or contract detention facilities and do not have access to the appropriate appeal form.

If the inmate is to be transferred to a federal institution, the inmate shall wait to use the Administrative Remedy procedure upon arrival at the institution.

#### 5.7.7. **Training Plans/Agenda**

The DHA shall ensure inmate discipline training is provided for the contractor and CCM staff annually and any additional training as needed. The training agenda shall focus on major problem areas identified during DHO review of the CDC packets.

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The CCM shall continue to provide initial guidance and supplementary training to new staff or contractors between the regional-wide training conferences. All discipline training provided to contractors shall be documented in the CCM contract file.

#### **5.8. SPECIAL DISCIPLINE PROCEDURES FOR VCCLEA VIOLENT/PLRA INMATES IN NON-FEDERAL FACILITIES**

The VCCLEA became effective on September 13, 1994, and applies to offenses that occurred on or after that date but prior to April 26, 1996. The PLRA became effective on April 26, 1996, and applies to offenses that occurred on or after that date.

All CCC inmates sentenced on or after September 13, 1994, are subject to good time sanctions as outlined in the Program Statement on **Inmate Discipline and Special Housing Units**. In particular, they are subject to mandatory disallowance sanctions for certain severity prohibited acts. VCCLEA non-violent inmates are also impacted by this policy.

##### **5.8.1. Identifying Sentences Imposed Pursuant to VCCLEA and PLRA**

Community corrections staff shall identify inmates sentenced under the provisions of VCCLEA and/or PLRA for direct placement in state and long-term boarder contract facilities. Identifying and loading appropriate SENTRY data is also necessary for these inmates. Institution staff will have made this identification and the SENTRY applications already on all long-term boarders transferred to contract facilities from Bureau institutions.

##### **5.8.2. Notification of VCCLEA and PLRA Requirements**

a. To Inmates. The CCM shall notify each VCCLEA violent and/or PLRA inmate serving a sentence of more than one year who is placed directly in a contract facility (initial designation, except Taft Correctional Institution or the Southwest Detention Facility) as a long-term boarder that, if he or she is found guilty of a prohibited act, disallowance and/or forfeiture of good conduct time shall be in accordance with Bureau policy. Inmates who transfer to contract facilities from Bureau institutions do not need to be notified. See the Notification to Inmates Sentenced Under the VCCLEA and/or PLRA (**Attachment 5-3a.**), as a sample inmate notification letter. The CCM shall also send a copy of the letter to the facility director or Warden.

b. To Contractors. The CCM shall notify the appropriate state or long-term boarder contract facility director or Warden

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that if a VCCLAE violent or PLRA inmate is found guilty at a discipline committee hearing of a prohibited act, they must send the CCM a copy of the disciplinary proceeding. See the Notification to Contract Facility Director or Warden of VCCLAE and/or PLRA Mandated Reporting Requirements for Prohibited Acts (**Attachment 5-3b.**), as a sample of the facility notification letter. This letter also requires the contractor to execute **Attachment 5-3a.**

#### 5.8.3. **Incident Reports**

The report on a VCCLAE violent or PLRA inmate who commits a prohibited act while housed in a state or long-term boarder contract facility, must be referred to the Discipline Hearing Administrator (DHA) or the designated Discipline Hearing Officer (DHO), or a CCM staff member who is DHO certified in offices with an unusually high number of incident reports.

a. Contract facilities with DHO discipline process. When an inmate, in a contract facility that already uses the DHO as the official taking final action, receives an incident report, the discipline committee shall recommend good time be disallowed as prescribed by VCCLAE and PLRA. The discipline committee shall forward copies of all relevant documents to the DHO with a brief statement of reasons for the referral and any recommendation for appropriate disposition in accordance with the exemplary compliance standards.

The DHO must disallow good conduct time credit available for a VCCLAE violent or PLRA inmate, and the sanction shall not be suspended. This is indicated in "Table 4-Sanctions" of the Program Statement on **Inmate Discipline and Special Housing Units**, also reference "Table 5-Sanctions for Repetition of Prohibited Acts within the Same Category."

b. Contract facilities with an independent discipline process. For inmates confined in state or other long-term boarder contract facilities with independent discipline procedures, the following procedures apply:

**e** The contract facility staff shall be asked to provide a complete discipline packet to the CCM for VCCLAE violent or PLRA inmates, who have been found guilty of committing a prohibited act.

**e** The CCM shall forward the packet to the DHA. The DHA/O shall evaluate the discipline packet to insure that basic due process has been met according to **Wolff v. McDonnell**. If the DHA/O finds that **Wolff v. McDonnell**

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requirements have been met, he or she shall make the necessary SENTRY transaction for disallowance and/or forfeiture of good time and notify the CCM to make the necessary SENTRY transaction to the computation.

**e** The DHA/O shall return the packet to the CCM for distribution to the inmate and inclusion in the Inmate Central File.

#### 5.9. TRANSFER OF INMATES

##### 5.9.1. Authority and Approval

a. Authority to transfer federal inmates between non-federal facilities and from non-federal facilities to federal institutions is delegated to CCMs. General procedures are provided in the **Security Designation and Custody Classification Manual**.

When transferring inmates, care must be taken to obtain CIM clearance when necessary, and to inform regional staff of cases that may evoke publicity or require unusual handling.

b. CCMs must obtain approval from the receiving facility (or other CCM if the receiving facility is in another service area) before ordering transfer of inmates to other non-federal facilities. Ordinarily, CCMs must approve transfers from one facility to another within the same agency or state correctional system prior to the transfer. CCMs may authorize transfers from non-federal to federal institutions, but must consult with the regional designator.

c. CCMs shall obtain CIM clearance before redesignation, after determining the inmate must be returned to the institution, and after consultation with the regional designator, if necessary.

##### 5.9.2. Forms and SENTRY Procedures

a. The redesignation shall be completed as follows:

Register Number	:	12345-678
Name	:	Kilroy
Sex, Race, Age	:	
Custody	:	
ARS Status	:	
Resident	:	
Level	:	
Facility Designated :		LOM

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b. Appropriate transfer codes must be used in accordance with current directives. A disciplinary transfer (Transfer Code 309) requires this sanction to be imposed formally by the DHO following a CDC hearing.

c. CCMs shall use the SENTRY redesignation transaction to authorize the transfer of CCC program failures to federal institutions. CCMs shall include appropriate comments (program failure, etc.) in the Remarks section of the redesignation screen and do not need to send BOPNet messages to explain the redesignation unless there is insufficient space in the Remarks section. Redesignations appear on the designated institution's daily log and will place inmates in the "pipeline" for population management purposes.

d. A Transfer Order (BP-S399.058) shall be provided to the USMS. When time constraints require expedience, CCMs may provide transfer orders to the USMS via teletype, facsimile, or SENTRY using EMS Form 417. A signed, printed copy serves as the original for the USMS, and copies may be routed to the ISM at the receiving institution, the regional designator, and the U.S. Parole Commission, if applicable. A SENTRY-generated In-Transit Information Form should also be provided to the USMS. The CCM provides a copy to the receiving facility.

e. CCMs shall ensure that file material, including original disciplinary reports and copies of communications to the U.S. Parole Commission, are forwarded immediately to redesignated institutions. They shall notify institutions of special circumstances that might affect an inmate's release date.

f. CCM staff shall remove inmates from EGT earning status (SENTRY Sentence Monitoring) when they are removed from CCCs and shall modify the sentence computation to reflect forfeited or withheld statutory good time.

#### **5.10. PAROLE HEARING PROCEDURES**

CCMs must establish procedures for U.S. Parole Commission hearings on all eligible inmates. CCMs must develop parole files for inmates who are eligible for parole, prepare dockets, submit lists of eligible inmates to the U.S. Parole Commission, and help facilitate arrangements for hearings. If the non-federal institution does the docketing, the CCM must monitor the procedure thoroughly. One suggested method of monitoring would be to use the SENTRY's Parole Date sentence computation function

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to establish a parole waiting list in SENTRY, similar to federal institutions.

The U.S. Parole Commission must be notified whenever a CCC inmate with an effective parole date is arrested before the release date.

The U.S. Parole Commission must receive a mini-file on these inmates by the 10th of the month preceding the month of the examiners arrival for the hearings. The files must include: parole application, sentence computation, PSI, and probation revocation report, if applicable. If available, the following should also be sent: FBI arrest record (rap sheet), classification study, Report on Committed Offender (AO 235), and Report on Convicted Offender by United States Attorney (USA-792).

#### **5.11. VICTIM AND WITNESS PROTECTION ACT OF 1982**

The Program Statement on **Victim and Witness Notification** is the primary document for procedures in this area.

Transferring institutions are to advise the party to be notified when the CCC acceptance date is established, but, no later than two weeks prior to the transfer. If the transfer date moves up, the institution must renotify. CCMs must ensure the BP-S323.014, Victim and Witness Notice showing this has been done is received prior to the transfer. If the inmate is released prior to the date noted on the Victim and Witness Notice, or the date moves up, the CCM must renotify the victim or witness.

When an inmate's custody is extended beyond the scheduled release date; it is not necessary to renotify the victim or witness. CCMs shall notify the interested party if the inmate goes on furlough, dies, or is apprehended as an escapee. Attachments to the Program Statement can be used for making notifications. If the inmate escapes, the CCM shall make immediate notification by telephone. CCMs shall ensure the SENTRY Daily Log transaction is used to monitor Victim/Witness Program cases placed in CCCs under their responsibility.

CCMs have the same approval responsibilities as Bureau Wardens under the Victim/Witness Program for federal inmates confined in long-term contract boarding facilities (state institutions) and for short-term direct court commitments to other non-federal facilities.

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## 5.12. MEDICAL SERVICES

### 5.12.1. Entrance Medical Appraisal

Inmates transferred from a federal to a non-federal facility must receive a medical evaluation and clearance at the federal institution prior to transfer. Refer to the **Health Services Manual**.

Inmates committed directly to non-federal facilities, including CCCs, must receive entrance medical appraisals as required by the Statement of Work. The Bureau pays for these physicals, including those of supervision cases, unless the contract specifies to the contrary. In most cases, the requirement is for a general physical exam (comparable to an insurance-type physical) that does not require hospitalization to complete.

Contractors must ensure that the results are documented and that copies are placed in inmates' files and sent to CCMs. The exams should be completed within five days of commitment. The requirement for entrance physicals also applies to inmates required to reside in a CCC as a condition of supervision unless one is included in the referral packet.

All other medical and dental expenses for persons under supervision of the USPO are the inmate's responsibility. See the **Statement of Work**.

### 5.12.2. Routine Health Care

Inmates in CCCs are expected to become financially self-sufficient and therefore, bear the cost of medical care.

Contractors must obtain CCM approval prior to authorizing non-emergency medical treatment for which the Bureau may be responsible. In emergencies, contractors shall obtain the treatment required to preserve the inmate's health and shall inform the CCM as soon as possible. CCMs shall determine whether the inmate has adequate resources to cover the cost of the treatment (medical insurance or adequate funds) or whether it should be borne by the Government.

CCMs shall inform the Office of Medical Designations and Transfers (OMDT), CCRA, and MCA immediately when an inmate is hospitalized or otherwise referred for in-patient emergency treatment or outpatient surgery for which the Government may be responsible. It is a good practice to send a courtesy notification by BOPNet or fax to the Regional Health Services Administrator (RHSA). All other medical expenses shall be

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subject to the RHSA's approval. When an inmate is placed temporarily in a local hospital, SENTRY should reflect the ARS code "Local Hosp." The OMDT decides whether continued hospitalization or transfer to an institution is appropriate. CCM approval of payment for medical treatment is subject to the following conditions:

- a. CCMs may not authorize payment for an inmate who is receiving Medicaid benefits, has medical insurance, or the ability to pay. Inmates who insist the Government is responsible for medical care may be considered for transfer to an institution for appropriate treatment.
- b. Inmates who are veterans retain any eligibility they may have for treatment at a Veteran's hospital.
- c. CCMs may authorize admissions to hospitals for non-emergency medical treatment only upon the OMDT's approval.
- d. Generally, CCMs may authorize non-emergency medical care for inmates in jails and non-federal long-term facilities (including juveniles) when recommended by staff at these facilities and when such treatment appears necessary. If there is a cost, the RHSA must pre-approve it. Inmates in these facilities may not pay for their own medical care.
- e. CCMs may authorize non-emergency dental care (including dentures and dental reconstruction) and vision correction (eyeglasses) only upon the RHSA's approval.
- f. When the RHSA must approve medical services, the CCM must submit a completed EMS-213, Medical Treatment in Local Community form to the RHSA. When OMDT must pre-certify treatment, the CCM shall follow current health services procedures and direct any related questions to the OMDT via BOPNet or telephone.

#### 5.12.3. **Sensitive Medical Data (SMD)**

CCMs are authorized SENTRY access to SMD data only to retrieve information on cases under their responsibility. CCM offices shall not delete or add any data to the SMD system.

#### 5.12.4. **Mothers and Infants Together (MINT) Program**

A description of this program for pregnant federal inmates is found in the Program Statement on **CCC Utilization and Transfer Procedure**. This policy contains information on associated medical care costs and a "Sample Statement of Responsibility for

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MINT Referral," documenting who will have financial responsibility for the baby.

### 5.13. GENERAL CASE MANAGEMENT IN CONTRACT CCCs

#### 5.13.1. Offender Subsistence Collection

To promote financial responsibility and offset the cost of incarceration, the Bureau requires inmates to make subsistence payments to contractors. Contractors shall collect 25% of each employed inmate's weekly gross income not to exceed the daily inmate-day rate. Payments shall be rounded down to the nearest dollar amount. Offenders who have other means of financial support (VA Benefits, Worker's Compensation, retirement income, etc.) shall contribute an amount determined by the contractor and approved by the CCM, to approximate 25% of their weekly income.

Contractors must collect the full subsistence due. Partial weeks of residence are prorated. Contractors shall reduce the monthly billing to the Bureau by the amount collected in subsistence. An inmate who fails to pay subsistence may have privileges withheld or disciplinary action may be taken, including termination from the program. Unless otherwise indicated by the court, supervision cases shall pay subsistence. Additionally, any inmate who transfers to the home confinement component of the program is not required to pay subsistence.

If the court indicates that subsistence should not be collected, the CCM shall comply with the court's order. If the court has made it known that they do not consider it appropriate to collect subsistence on a direct commitment, the CCM should treat this like any other judicial recommendation, that is, look at the merits of the case and make every effort to make a sound decision. If the CCM determines not to follow the court's recommendation, a letter of explanation must be sent. Absent a court order, offenders are responsible for subsistence payments as outlined in this section.

Pretrial defendants in a CCC are not restricted from paying subsistence. The CCM should ensure that contractors work closely with the local pretrial services office to determine which, if any, pretrial defendant(s) should pay.

The subsistence program applies to all offenders assigned to community-based programs.

In **cases of extreme hardship**, CCMs may waive or modify subsistence payments on a case-by-case basis, with the MCA's concurrence. Ordinarily, obligations including fines, restitution, or court costs shall not be considered a factor when granting waivers. Extreme hardship is defined as a situation

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when the offender has made every effort to establish a suitable release plan, but, due to circumstances beyond his or her control, has been unable to prior to release. Examples of such situations include homelessness, unemployment due to physical or mental health reasons, unexpected or emergency critical health care needs, or no community resources.

To be considered for a modification or waiver of subsistence, the offender must submit to the contractor a written justification along with a financial statement to include a listing of all debts and assets. The contractor shall forward the offender's request to the CCM with its recommendation. Subsistence shall be waived/modified for inmates who have been assessed a Cost of Incarceration Fee. Refer to the Program Statement on **Cost of Incarceration Fee**.

#### 5.13.2. **Social Security Payments to Offenders**

Both **42 U.S.C. § 402** and implementing language in **20 CFR 404.468** provide the following guidance on this issue:

Convicted felons are not entitled to receive Social Security benefits for any part of any month of which the individual is confined. For definitional purposes, confinement means as long as the individual is under a sentence of confinement and has not been released due to parole or pardon. It should be noted that benefit payments to any other person who is entitled on the basis of the prisoner's wages and self-employment income are payable as though the prisoner were receiving benefits.

The Social Security Administration has held that the regulation means offenders are not entitled to benefits if they are transferred from an institution to a CCC, home confinement, or any other program if their sentences are still running and they have not been released from custody.

**Exception:** Disability benefits may be allowed to individuals participating in a vocational rehabilitation program that the court and the Social Security Administration approves.

#### 5.13.3. **Employment**

One of the most important purposes of CCC placement is employment assistance. Contractors are to ensure that offenders begin working as soon as possible and must assist those who need help in finding employment. Most offenders are expected to be employed within 15 working days of arrival at a CCC.

CCMs must encourage contractors to develop programs that increase privileges for pre-release component offenders who are employed. It is generally appropriate for contractors to require offenders to be employed before allowing them to be absent from the CCC for social purposes. Contractors may take disciplinary sanctions against offenders who are able, but unwilling, to hold employment.

Bureau policy and the SOW require that employers be notified of an inmate's legal status (that they have been convicted of a federal offense). This policy applies to supervision (public law) cases also, but such cases are under the jurisdiction of the court or U.S. Parole Commission and probation officers may determine that an exception is appropriate. CCMs must ensure that contractors implement the policy in all other cases. Notifications should be made prior to employment of the offender if possible.

#### **5.13.4. Authorized Absences**

Contractors may allow a pre-release component inmate to "sign out" from the CCC until evening curfew, and go on pass for weekends and holidays.

A furlough is required when the inmate will be gone for more than a weekend (including holidays) and/or the destination is more than 100 miles. Furloughs require USPO comment (both in the district the inmate will be visiting as well as where the CCC is located, if not the same), CCM approval, and CIM clearance if appropriate. If repeated furloughs to the same location are anticipated, a blanket USPO and CIM clearance may be sufficient, with approval of the USPO and CIM coordinator.

Supervision cases are not eligible for furloughs. The USPO shall approve absences other than "sign-out" or "pass".

#### **5.13.5. Religious Activities**

In meeting offenders' religious needs in CCCs, staff must exercise flexibility. If possible, offenders should be allowed uninterrupted practice of religion, as was exercised prior to incarceration. Requests for religious activities should be handled on a case-by-case basis. The regional chaplaincy administrator should be contacted for guidance when there are unusual requests or concerns.

#### **5.13.6. Driving**

Often it is appropriate to allow inmates to drive their own or another person's vehicle to travel to work or for other authorized purposes. Inmate requests for driving privileges are

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subject to contractor and CCM approval, under the following conditions:

- a. Public transportation is not available or its use would be impractical considering time, distance, or cost.
- b. The inmate has provided proof of driver's license, vehicle licensing, registration, and valid insurance (if required by the state) to the CCM via the contractor. The contractor shall maintain copies of these documents (except for the driver's license, which many states prohibit copying). The contractor shall record the driver's license number and expiration date in the inmate's file.
- c. If the vehicle to be used is the property of a person other than the inmate, the contractor must have verified proof (e.g., copy of documents) of valid insurance, vehicle licensing and registration for the car, and a signed authorization (either notarized or witnessed by CCC staff) permitting the inmate to drive the car.
- d. The contractor shall maintain the license number and a description of the vehicle on file.
- e. Permission to drive for supervision cases must be approved by the CCC Director and the USPO, and must be appropriately documented.
- f. The contractor shall use the form "Authorization To Operate A Motor Vehicle" (**Attachment 5-4**) when an inmate is applying for this privilege or a locally produced one which contains, at a minimum, that information found on Attachment 5-3.

#### 5.13.7. **Marriage**

Contractors shall refer committed inmates' requests for marriage to CCMs, with their recommendations. The CCM shall process marriage requests in accordance with the Program Statement on **Marriages of Inmates**, which authorizes the CCM to approve requests to marry of federal inmates housed in non-federal facilities. Marriage requests of offenders under supervision shall be forwarded to the USPO.

#### 5.13.8. **Electronic Communication Equipment**

With the advancement of technology and the use of beepers and cellular phones in the workplace, there is a need to monitor the use of this equipment by CCC offenders. When CCC staff believes

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that it is essential for an offender to use a beeper or cellular phone in their work, the following procedures shall be used:

- a. Inmates shall make a written request to the CCC Director stating the specific need for the equipment. The CCC Director shall verify the need and forward the request for approval to the CCM. A copy of the request (approved or disapproved) shall be returned to the CCC Director, with a copy to the inmate's file.
- b. For supervision cases, the CCC Director shall make the request to the USPO seeking approval/guidance. A copy shall be forwarded to the CCM for informational purposes. The USPO's response shall be placed in the offender's contractor file and reviewed during routine monitorings.

#### 5.13.9. **Use of Inmates in Investigations**

Any person or agency requesting to use an inmate in any investigation must be referred to the Office of Enforcement Operations (OEO), Department of Justice, Washington DC for approval, as these types of investigations are extremely sensitive. Information and procedures regarding requests from investigative agencies or U.S. Attorneys to use inmates under Bureau jurisdiction may be found in the **Special Investigative Supervisors Manual**, Chapter 17 - Investigative Requests. The CCM shall contact the MCA or CCRA regarding information contained in this Manual, or the Executive Assistant, Correctional Programs Division, Central Office.

#### 5.14. **RELEASE PROCEDURES**

CCMs shall ensure the timely release of inmates from contract CCCs and contract jails or boarding facilities. CCMs must verify release data, including credit for CCC good time. CCMs shall calculate release dates for direct court commitments and date changes for institution transfers if additional or forfeited good time occurs. CCMs shall mail a copy of appropriate sentence computation data to CCCs and boarding facilities of the inmate. CCMs shall establish a system to monitor release dates and ensure contract staff release inmates timely and accurately prepare release paperwork.

The following schedules outline the steps and time limits applicable to each type of release from confinement. Reference shall also be made to the **Inmate Systems Management Manual**. CCMs shall ensure that contract staff are aware of these schedules and that contractors understand the different requirements for release. It is Bureau practice to release inmates who are not supervision cases on the work day preceding a Saturday, Sunday,

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or holiday if the release date falls on one of the days noted. This practice also applies to releases on parole unless the release date is the parole eligibility date.

#### **5.14.1. Release Schedule**

a. Parole. Six weeks prior to parole date, contract staff submit a proposed parole plan to the USPO for investigation and approval.

Four weeks prior to parole date, contract staff submit a request for a parole certificate to the appropriate U.S. Parole Commission office, with the USPO approval attached.

b. Mandatory Release. Four to six weeks prior to mandatory release date, contract staff submit a proposed release plan to the USPO (Mandatory Release Statement (**Attachment 5-4d**)).

c. Supervision Cases. Contract staff submit release plans to the USPO when they determine release is appropriate, based on program progress or adjustment.

#### **5.14.2. Release Forms and Report Distribution**

Parole certificates are mailed or faxed from the U.S. Parole Commission directly to the CCC. The community corrections Legal Instruments Examiner shall ensure that the contractor lists the number of days remaining to be served and that any special conditions are noted on the reverse side of the parole certificate prior to the inmate being released from the CCC. The contractor shall mail the signed parole certificate to the CCM for inclusion in the institutional file. See **Attachments 5-5a through 5-5f**.

##### a. Parole

(1) Conditions of release are read to the inmate and the inmate's signature (witnessed and dated by a staff member) is obtained on each of the Parole Certificates and SPT Certificates, when applicable. Each page of the certificates is signed individually, in pen, and is not carbonized. Release on Parole is not effective without the inmate's signature. Copies are distributed as follows:

- (a) Original to inmate.
- (b) Copy to USPO.
- (c) "Institution Copy" to CCM.
- (d) Copy to U.S. Parole Commission Office.

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(2) Notice of Release and Arrival - Distribute copies as above, plus one copy to the U.S. Attorney's office in the District of Sentencing.

b. Mandatory Release. Distribute copies of the appropriate paperwork as noted in section "a" above.

c. Expiration.

(1) Notice of Release and Arrival - Distribute the original to the USPO, with a copy to the CCM and to the U.S. Attorney in the district of sentencing. The inmate is advised if probation or special parole supervision is to follow release.

**Note:** "New law" cases are released on the expiration of their term less any time credited for applicable Good Conduct Time (GCT). They are processed in accordance with established procedures for cases released by expiration.

(2) Special Parole Term Certificates (if applicable) - See distribution of Parole Certificates.

d. Supervision Cases. The contractor coordinates release through the USPO and informs the CCM.

e. Terminal Reports

(1) The contractor prepares and forwards a Terminal Report to the CCM. This is done after release from a CCC within the time frame specified in the applicable Statement of Work. See **Attachment 5-5f** as an example of a Terminal Report.

(2) Distribution: Original to CCM for forwarding to the institution file, copy to USPO, copy to U.S. Parole Commission Office (if applicable).

#### 5.14.3. **Fines/Assessments (Old Law Cases)**

A fine is a monetary penalty associated with an offense that is imposed as a part of a judgment. The two types of fines are committed and non-committed fines. See **Attachments 5-6 and 5-7**. A **committed fine** is paid or other arrangements are made for the handling of the fine prior to the inmate's release. A **non-committed fine** is one where the status of payment of the fine would not affect the release date. See the Program Statement on **Fines and Costs**.

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#### 5.14.4. **Fines/Assessments (New Law Cases)**

Pursuant to **Title 18 U.S.C. § 3624(e)**: "No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner."

a. The court is required to impose an assessment on convicted defendants for each felony and misdemeanor. The assessment is imposed for each count (offense) in the Judgment in a Criminal Case. Agents of the court collect the assessments.

b. The CCM shall indicate on the SENTRY Sentence Computation Record the existence of assessments for direct court commitments. The information is recorded only if it is contained in the Judgment in a Criminal Case. Otherwise, it need not be recorded and the CCM need not solicit the information from the court.

c. The CCM ordinarily does not become involved with the collection of assessments and is not required to determine whether they have been paid. However, if the Judgment in a Criminal Case for a direct court commitment indicates that the assessment was not paid at sentencing, and that the court wants it collected prior to release and provides no special instructions, the unpaid assessment must be treated as a committed fine. If the court, either in the Judgment in a Criminal Case or by court order, requires that the fine be paid by some other method that involves the Bureau, the CCM should contact the Regional Inmate Systems Administrator for assistance.

#### 5.14.5. **Release Expenses**

Inmates serving long sentences in non-federal facilities (primarily in state correctional facilities and juvenile facilities) may receive a release gratuity, transportation to the place of conviction or legal residence, and clothing. An inmate who has adequate personal funds or is released to another custody should not usually receive a gratuity. Because of the nature of the program, inmates released from contract residential centers shall not normally receive release gratuities. See the Program Statements on **Release Gratuities, Transportation, and Clothing** and the **Interagency Agreement between the U.S. Bureau of Prisons and the U.S. Marshals Service**.

a. The CCM shall determine the amount of the release gratuity and clothing based on staff recommendations using a \$100 limit as a base and seeking written approval from the CCRA

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through the MCA should they determine a gratuity in excess of \$100 is warranted. The Program Statement on **Release Gratuities, Transportation, and Clothing** shall be referenced for guidance on allowable amounts.

b. The CCM shall request the USMS to provide funds for release gratuities, clothing, and transportation, if funds are not available under the provisions of the contract with the non-federal facility (a gratuity clause should be included in the contract whenever possible). The CCM must advise the USMS in writing of an impending release date five days in advance to allow time for this to be accomplished.

c. When the Bureau is "piggy-backing" a USMS contract, the USMS will pay these expenses and the Bureau shall reimburse the USMS. Otherwise, reimbursements are made directly to those providers under contract directly with the Bureau. The USMS office making the disbursement will forward the appropriate standard form to the CCM. The CCM shall put this information on a SF-1034 form (Public Voucher for Purchases and Services Other Than Personal), sign it, and forward the SF 1034 to the regional office for processing.

#### 5.15 COST OF INCARCERATION FEE (COIF)

CCMs are responsible for complying with the **Program Statement on Cost of Incarceration Fee** (COIF), which applies to prisoners who are convicted in U.S. District Courts, committed to the custody of the Attorney General, and serving a term of incarceration that began on or after January 1, 1995. This includes aliens and those confined to contract jails.

Note that the Cost of Incarceration Fee, which is imposed by the Bureau, is distinct from the Cost of Incarceration Fine, which is imposed by the courts. The Program Statement delineates the differences between these obligations. At no time will both be imposed on one inmate.

When appropriate, the CCM shall compute the fee, establish a payment schedule in accordance with the **COIF** Program Statement, and notify all direct court commitments under their jurisdiction who owe a COIF using the appropriate **COIF** Program Statement Attachment. Inmates who are institution transfers shall continue the installment plans established by their unit teams. In the case of an inmate owing a COIF who transfers to a CCC, the CCM is notified of the COIF balance by regional correctional programs staff immediately after they receive notification from the institution. Institution notification must be forwarded no later than two weeks prior to transfer.

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Inmates who fail to make COIF payments may be removed from the CCC. When an inmate releases from a CCC with an outstanding obligation, the CCM shall notify the regional comptroller, who will process the bill in accordance with the **Program Statement on Accounting for Cost of Incarceration Fee.**

Subsistence shall be waived for institution transfers whose COIF payments are greater than or equal to subsistence. When COIF is less than the calculated subsistence obligations, the difference may be collected as subsistence. Direct court commitments with a COIF are to have subsistence waived.

#### 5.16. **SEXUAL ABUSE/ASSAULT PREVENTION AND INTERVENTION**

CCMs shall ensure that contractors have procedures in place to prevent and address incidents of sexual abuse/assault. This includes informing inmates, training contract staff, and following correct reporting procedures. Specific requirements are found in the most recent **Community Corrections SOW**. The Program Statement on **Sexual Abuse/Assault Prevention and Intervention Programs** can also be referenced.

##### 5.16.1 **Informing Inmates**

Inmates transferring to a contract facility from a federal institution have already been educated on preventing and avoiding sexual abuse/assault. Contractors must provide this education to all other federal inmates and document it in their files. All inmates are to be advised during facility orientation who to contact regarding incidents of sexual abuse/assault. These requirements shall be reviewed during facility monitorings.

##### 5.16.2 **Training Contract Staff**

All contractors are responsible for ensuring their staff are trained in prevention, identification, and handling of sexual abuse/assault incidents. This training shall be documented by the contractor and reviewed during facility monitorings.

At a minimum, all inmates claiming to be the victim of a sexual assault shall receive services addressing medical, mental health, social, and protective needs.

##### 5.16.3 **Reporting Requirements**

Contractors shall report all incidents of sexual assaults to the CCM immediately. The CCM shall ensure that the contractor notifies local law enforcement authorities and, in the case of

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staff assault on a resident, the Office of Internal Affairs shall be notified. The SF-583, Report of Incident form, is to be completed and routed for all reports of sexual assaults.

#### **5.17. USE OF VOLUNTEERS IN COMMUNITY-BASED PROGRAMS**

Contractors operating under a SOW later than 1992 are required to use volunteers to assist inmates directly in their transition to the community. All other contractors shall be encouraged to use volunteers.

Volunteers are defined as private citizens who are at least 18 years old and provide gratuitous services to the facility. Gratuitous services are those that are uncompensated and would otherwise not be performed by a paid employee. Volunteers reinforce mainstream societal values conveyed daily by staff through service in programs addressing areas such as marriage and family enrichment, substance abuse, education, literacy, spiritual growth, recreation, health education, fitness, and vocational training.

Volunteers who provide services under the direct supervision of paid contract staff do not need security background clearances. Those who provide services without supervision must complete the Application for Volunteer Service (BP-S580.053) and Release of Information (OMB 3206-0007) forms and have NCIC, NLETS, and fingerprint checks. The contractor must forward this information to the CCM for approval. Responses must be received from the NCIC, NLETS, and fingerprint checks before approval can be granted for unsupervised volunteers.

Further information and guidance regarding these procedures can be received from the regional volunteer administrator.

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**CCM DESIGNATION LOG MONTH/YEAR** \_\_\_\_\_

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Attachment 5-1a

**TRACKING JUVENILE DESIGNATIONS**

Name: \_\_\_\_\_ Register Number: \_\_\_\_\_

City and State of Residence: \_\_\_\_\_

Designated Facility: \_\_\_\_\_

**NOTE:** Complete the following questions for all juveniles sentenced on or after July 1, 1998. This will be completed when the juvenile is first designated and every subsequent change of facility. A copy shall be sent by WAN or FAX to the Central Office Community Corrections Branch.

1) Is the juvenile a foreign national?

YES \_\_\_\_\_ NO \_\_\_\_\_

2) If the answer to question #1 is no, is the juvenile designated to a facility within 250 miles of the juvenile's residence?

YES \_\_\_\_\_ NO \_\_\_\_\_

3) If the answer to question #2 is no, please check one of the following options:

\_\_\_\_\_ a) There are no contract beds available within 250 miles of the juvenile's residence.

\_\_\_\_\_ b) There are beds available within 250 miles of the juvenile's residence, but the security level is inappropriate.

\_\_\_\_\_ c) There are beds available within 250 miles of the juvenile's residence, but programmatic needs require designation to another facility.

\_\_\_\_\_ d) There are beds available within 250 miles of the juvenile's residence, but the sentencing court recommended another program.

\_\_\_\_\_ e) There are beds available within 250 miles of the juvenile's residence, but other considerations require designation to another facility. Please summarize:

CCM: \_\_\_\_\_ DATE: \_\_\_\_\_ .

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**Sample Teletype and EMS Formats**

- a. Sample teletype notice to USM of escape
- b. EMS Form 907 - Community Corrections Escape Report
- c. Sample teletype or memo to USM requesting inmate transfer to closer custody.
- d. EMS Form 908 - Community Corrections Apprehension Report

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**Sample Teletype Notice to USM of Escape**

TO: United States Marshal, (insert District, City, State)

FROM: Community Corrections Manager

CC: United States Marshals Service, Washington, D. C.

ATTN: Enforcement Operations Division

RE: Escaped Federal Prisoner.  
This is your authority to apprehend the below named Federal prisoner.

Name: Reg. No.:

Institution/Contract Location: FBI No.:

Date of Escape: Time (am or pm):

Sentence Date: Sentence:

Offense: Release Date:

Circumstances:



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S))0)))))))))))0))))))  
 ))))))))))))))))))))))))))))))))))Q

**Security Level** \*Custody \*Public Safe  
**Factors:**

\* Yes  
 No

S))))))))))))))))))))))))))))2)))))))))))2))))  
 ))))))))))))))))))Q CIMS

**Category:**

	N/A	Separation	Disr. Group	State
--	-----	------------	-------------	-------

Other (Specify)

S))))))))))))))))))))))))))))0)))))))0))))))  
 ))))))))))))))Q

**Institution Transferred From** \*Direct CRT Commitment:

\*  
 \*

Yes                    No

S))))))))))))))))0)))))))2)))))))0))))  
 ))))))))))Q

<b>Arrival Date</b>	*Projected Release Date	*Method of Release
---------------------	-------------------------	--------------------

\*

S))))))))))))2)))))))0)))))))2))))  
 ))))))))))Q

**Escape or Technical Escape Occurred** \* Address of Facility

From (Loc. Code) : \*

\*

\* S))))))))))))))))))))2)))))))0)))))))2)))))))  
 ))))))))))Q

**Type of Facility:**

CCC	Juv.	Long-Term Adult
-----	------	-----------------

Short-Term Adult

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S)))Q Program

Participation:

Home Conf.

ICC

3621 (e)

(Specify)

S)))))))))))))))))))))))))))))))))))Q

Circumstances (use additional pages as needed) - Include background information offender, offense, and special management concerns not detailed in PPGO, along w details of the escape.

S)))))))))))))))))))))))))))))))))))))))Q

Routing: REGION CEO; REGION CORRECTIONAL SERVICES; CCRA; MCA; BOP CC ESCAPE; PA SENDING INSTITUTION ISM; SENDING

INSTITUTION CEO; BOP COMMUNITY CORRECTIONS; BOP CORRECTIONAL SERVICES.

S)))))))))))))))))))))))))))Q

Record Copy: Inmate Central File (This form may be replicated via WP)

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**Sample Teletype or Memo to U.S. Marshal Requesting Inmate Transfer to Closer Custody**

TO: United States Marshal (District)

FROM: Community Corrections Manager

RE: Inmate Name and Register Number

This will serve as your authority to assume custody of the above BOP inmate, pending disciplinary action and/or determination of future removal.

Present Location:

Designated local detention facility:

The BOP assumes fiscal responsibility for this inmate as long as he/she is located at the designated local detention facility or another facility approved by the CCM.

Comments:



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**AUTHORIZATION TO OPERATE A MOTOR VEHICLE**

Name: \_\_\_\_\_ Reg. No. \_\_\_\_\_

Facility: \_\_\_\_\_

Driver's License: # \_\_\_\_\_ State \_\_\_\_\_ Exp Date: \_\_\_\_\_

License Address \_\_\_\_\_

Vehicle: Year \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_

Color \_\_\_\_\_ License Plate #: \_\_\_\_\_

Registration #: \_\_\_\_\_ Exp. Date. \_\_\_\_\_

Registered Owner: Name \_\_\_\_\_ Phone #: \_\_\_\_\_

Address \_\_\_\_\_

Insurance Co. Name \_\_\_\_\_ Policy Exp. Date \_\_\_\_\_

**Facility Staff Review:**

Copies of required documents on file (ie. insurance and owner approval)

Car checked for absence of beeper/cellular phone

Resident understands rules and the right of CCC staff and BOP personnel to search the vehicle at any time

Public transportation not practical

Resident Signature \_\_\_\_\_

Case Manager or Other \_\_\_\_\_

CCC Director approval \_\_\_\_\_

\*\*\*\*\*

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Comments \_\_\_\_\_

Community Corrections Manager \_\_\_\_\_

Date \_\_\_\_\_

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Attachment 5-5, Page 1

**RELEASE FORMS**

- a. Certificate of Parole
- b. Parole Form I-33<sup>1</sup>
- c. Drug/Alcohol Program Consent Form
- d. Mandatory Release Statement; Parole Form I-10
- e. Notice of Release and Arrival; Parole Form I-13
- f. Program Terminal Report

<sup>1</sup> Parole Form I-33 is a multi-purpose release certificate that includes release provisions for:

- (1) Court Designate Parole
- (2) Mandatory Release
- (3) Special Parole
- (4) Mandatory Release to Special Parole

**\* Note: Forms in Attachment 5-5 are not available electronically or on BOPDOCS**

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**COMMITTED FINE TRANSFERS TO NON-FEDERAL FACILITIES**

Community Corrections Managers (CCMs) have responsibility for inmates transferred to contract community-based facilities and to state institutions as boarders. Regional Inmate Systems Administrators (RISAs) have responsibility for inmates transferred to state institutions for service of Federal sentences concurrently with state sentences.

If an inmate has six months or more remaining to the release date on the day the transfer takes place, the instructions in Appendix 2, Committed Fine Direct Commitments or Designations to Non-Federal Facilities, in the Program Statement on **Fines and Costs** shall apply. (Also see Attachment 5-7 of this Community Corrections Manual). If less than six months remain, the transferring institution shall complete the following steps prior to the transfer:

- a. Assist the inmate in completing the Financial Statement of Debtor.
- b. Assist the inmate in completing the Application for a Determination of Ability to Pay Committed Fine and/or Costs portion of the BP-401 (58)/BP-RECORD-101.
- c. The BP-395(58)/BP-RECORD-90 shall be completed and forwarded to the appropriate U.S. Attorneys along with the other forms mentioned above prior to the inmate's departure.
- d. If the institution has any problems complying with these instructions, the ISM must explain the problems in a memorandum to the CCM or RISA so they will be aware of the status of the fine processing after the inmate has been transferred.

Before the inmate submits the BP-401(58)/BP-RECORD-101 to the U.S. Magistrate, the CCM or RISA must review the inmate's financial status based on the same information a warden would use. Based on the review, the CCM or RISA should form an opinion as to the inmate's indigency status and furnish that opinion and the reasons to the U.S. Magistrate in a memorandum. Accompanying the memorandum shall be the BP-401(58)/BP-RECORD-101, the Financial Statement of Debtor, the Sentence Data Record, the pre or post sentence report, and copies of any other documentation or information used in arriving at the opinion. The package must be sent to the U.S. Magistrate no later than 21 calendar days prior to the release date.

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The CCM and RISA should make every effort possible to acquire information about the inmate's financial status from the U.S. Attorney of the sentencing district.

If the U.S. Magistrate makes a finding of indigency, and allows the inmate to take the Oath of Indigent Prisoner, the inmate shall be released on the date specified by the U.S. Magistrate.

The CCM or RISA is responsible for assuring the inmate makes all appearances before the U.S. Magistrate that he/she may require.

If the U.S. Magistrate makes a finding of non-indigency, the CCM or RISA shall follow the procedures as set forth in Section 9 of the governing Program Statement on **Fines and Costs**.

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**COMMITTED FINE DIRECT COURT COMMITMENTS OR  
DESIGNATIONS OF NON-FEDERAL FACILITIES**

Community Corrections Managers (CCMs) have responsibility for inmates committed directly from court to contract community-based facilities and to state institutions as boarders. Regional Inmate Systems Administrators (RISAs) have responsibility for inmates placed in state institutions for service of Federal sentences concurrently with state sentences.

Since this group of inmates is not committed to Federal institutions prior to commitment to non-Federal facilities, the CCM or RISA must initiate and follow through on all the procedures for processing the committed fine. Therefore, the instructions in Section 5 of the Program Statement on **Fines and Costs** must be carefully followed.

Before the inmate submits the BP-401(58)/BP-RECORD-101 to the U.S. Magistrate, the CCM or RISA must review the inmate's financial status based on the same information a warden would use. Based on the review, the CCM or RISA should form an opinion as to the inmate's indigency status and furnish that opinion and the reasons to the U.S. Magistrate in a memorandum. Accompanying the memorandum shall be the BP-RECORD-101, the Financial Statement of Debtor, the Sentence Data Record, the pre or post sentence report, and copies of any other documentation or information used in arriving at the opinion. The package must be sent to the U.S. Magistrate no later than twenty-one calendar days prior to the release date.

The CCM and RISA should make every effort possible to acquire information about the inmate's financial status from the U.S. Attorney of the sentencing district. If the U.S. Magistrate makes a finding of indigency, and allows the inmate to take the Oath of Indigent Prisoner, the inmate shall be released on the date specified by the U.S. Magistrate.

The CCM or RISA is responsible for assuring the inmate makes all appearances before the U.S. Magistrate that he/she may require.

If the U.S. Magistrate makes a finding of non-indigency, the CCM or RISA shall follow the procedures as set forth in Section 9 of the governing Program Statement on **Fines and Costs**.

**CHAPTER 6. INMATE AND INFORMATION SYSTEMS MANAGEMENT**

Community corrections staff are responsible for administering inmate systems and information systems procedures that are relevant to inmates in non-federal contract facilities.

Many of the procedures which apply to community corrections operations are found in the **Inmate Systems Management Manual** and **Sentence Computation Manuals** (Old Law and CCCA of 1984) as well as the Technical Reference Manuals on **SENTRY General Use**, **SENTRY Education**, and **SENTRY Sentence Monitoring**. Staff shall use these manuals and the **Community Corrections Technical Reference Manual (TRM)** for general instruction.

Certain procedures may require modification for community corrections application, and others may not be relevant at all. Central Office Inmate Systems and Community Corrections Administrators and Information Systems staff shall make interpretations or modifications in procedures when necessary.

CCMs must establish and maintain official records for federal offenders in contract facilities. Such records, including SENTRY information, are considered confidential and are protected within the scope of the Privacy Act and Freedom of Information Act. See the Program Statement on **Release of Information**.

**6.1. FILE MAINTENANCE AND DISPOSAL**

It is Bureau policy to maintain records for all offenders committed to the custody of the Attorney General and the Bureau. CCMs shall use files to record all aspects of an offender's confinement in the contract location for service of sentence or as a condition of supervision. The **Inmate Systems Management Manual** contains instructions for Judgement and Commitment file creation, maintenance and disposal. The Program Statement on **Central File, Privacy Folder, and Parole Mini-Files** contains instructions for file creation, maintenance, and security.

**6.1.1. Direct Court Commitments**

Direct court commitments are cases when a U.S. District Court Judge or Magistrate Judge has imposed a short sentence of confinement with the recommendation that it be served in a contract CCC or a jail-type location. Condition of supervision cases and supervision violators are included in this definition. CCC staff must receive approval from the regional director when considering these cases for CCC placement. The required legal document for detainees is the certified Judgment and Commitment

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Order (J&C). The CCM must ensure that contract staff execute the return of service on the J&C for each voluntary surrender case. The U.S. Marshals will normally execute the return of service for offenders in jail-type locations; however, CCMs must ensure the requirement has been completed. (**Title 18 U.S.C. §§ 4084 and 3621(c)**). See the **Inmate Systems Management Manual**.

After the J&C, return of service is executed, certified copies of the J&C are mailed to the U.S. Marshal in the sentencing district and the Community Corrections Office. The contractor must have an executed copy on file.

In accordance with the Program Statement, **FBI Forms, Submission to the FBI**, the CCM shall ensure that a full set of fingerprints is taken and submitted to the FBI for all commitments for service of sentence. The CCM shall determine whether a facility shall send the cards directly to the FBI or send them through the CCM. A print card shall also be forwarded to the CCM for placement in the J&C file. This shall be completed within the first five working days after arrival.

A standard six-position or two-position file shall be used. If a two-position file is used, the first three sections are placed on the left and the second three on the right side of the file. The **Inmate Systems Management Manual** requires that a J&C file be established for each sentenced inmate. The J&C file contains the documentation for the legal authority for the detention and custody of prisoners. The file created and maintained by community corrections for direct court commitments serves as a J&C file and the central file and must contain all documents and forms as set forth in the Inmate Systems Management Manual. Files shall normally consist of:

a. Source - U.S. Marshal:

- Request for Designation (Teletype or Memorandum).
- Executed and certified copy of Judgment and Commitment Order.
- USM-129 Detention Record.
- Voluntary Surrender Order.
- BP-S385 "Authorized Unescorted Commitment and Transfer" Identification Card, including a picture and a thumbprint.

b. Source - U.S. Probation:

- Pre-Sentence Report.
- Other Reports and Correspondence.

c. Source - Contractor:

- e Documentation of Acceptance.
- e Record of Medical Examination (if a CCC is designated).
- e Terminal Report.

d. Source - Community Corrections Manager:

- e Designation Teletype or Memorandum or SENTRY printout.
- e Sentence Monitoring Computation and Good Time Record (SENTRY).
- e Sentence Monitoring Update Computation Satisfaction Release Certification (SENTRY). e Inmate Discipline Record.
- e A sentence audit conducted in accordance with the requirements of the **Inmate Systems Management Manual**.

After an offender's release, files are maintained in the CCM office until shipped to a Federal Records Center. **Shipments should occur at least annually**, or more frequently if volume warrants. The schedule for returning and shipping files is set forth in the **Inmate Systems Management Manual**.

The CCM should contact regional inmate systems specialists or administrators for assistance when required. A well-organized method for record retention and disposal is **critical** to facilitate retrieval if re-incarceration occurs.

6.1.2. **Condition of Supervision Placements** (Public Law/Old Law Cases)

Pursuant to the Provisions of **18 U.S.C. §§ 3651 and 4209**, Offenders Under Probation, Parole, or Mandatory Release Supervision may be referred for CCC placement (commonly referred to as public law cases).

The legal document required for probationers is an order issued by the U.S. District Court Judge mandating residence in a CCC as a condition of probation. This may be set forth on the original J&C, or may be a modification order during the period of probation. A copy of the J&C shall suffice. However, if there is any doubt regarding the accuracy or authenticity of the court order, the order shall be verified with the appropriate authority.

The legal document for Parole and Mandatory Release supervision cases is the U.S. Parole Commission Notice of Action (NOA)

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mandating residence in a CCC. A parolee may be placed in a CCC without the NOA on an emergency basis for up to four days, provided they consent in writing to such placement (**Parole Commission Manual**). A NOA shall be required for placement in excess of four days. The CCM shall document the efforts to obtain a NOA if it has not been received within four days.

The CCM must ensure the designated contractor has a copy of the legal document stipulating CCC residence prior to placement.

A two-position file folder should be used and shall normally consist of:

a. Source - U.S. Probation, District of Supervision:

- Copy of the Judgment and Probation/Commitment Order or Modification Order.
- Pre-Sentence Investigation Report.
- U.S. Probation Program Plan.

b. Source - U.S. Parole Commission:

- U.S. Parole Commission Notice of Action Mandating CCC Residence.

c. Source - Contractor:

- Record of Medical Examination (if a CCC is designated).
- Documentation of Acceptance and Terminal Report.

d. Source - CCM

•SENTRY Sentence Computation.

After release, the CCC generated file shall be combined with the CCM two-part file. Files for probation and for conditions of parole/mandatory release shall be mailed to the supervising USPO unless the Chief USPO indicates in writing that the file is not required.

#### 6.1.3. **Community Confinement (Sentencing Reform Act)**

Pursuant to the provisions of **18 U.S.C. §§ 3563(b)** and **3624(e)**, Offenders, as Further Conditions of a Sentence of Probation or Supervised Release, may be referred for placement in a CCC.

The CCM must ensure the designated contractor has a copy of the legal document stipulating confinement in the facility. The

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legal document required for probationers is an order issued by the U.S. District Court Judge mandating residence in a CCC. This may be set forth on the original J&C, or may be a modification order during the period of probation supervision. A copy of the J&C shall suffice. However, if there is any doubt regarding the accuracy or authenticity of the court order, a phone call to the appropriate authority is to be made.

A two-position file folder should be used and shall normally consist of:

a. Source - U.S. Probation, District of Supervision:

- Copy of the Judgment and Probation/Commitment Order.
- Pre-Sentence Report.
- U.S. Probation Progress Plan.

b. Source - Designated Contractor:

- Record of Medical Examination (if a CCC is designated).
- Documentation of Acceptance and Terminal Report.

c. Source - CCM:

- SENTRY Sentence Computation.

After release, the CCC-generated file shall be combined with the CCM two-part file. Files for Community Confinement cases are mailed to the referring USPO unless the Chief USPO has informed the CCM in writing that the file is not required.

#### 6.1.4. **Intermittent Confinement (Sentencing Reform Act)**

Pursuant to the provisions of **18 U.S.C. § 3563(b)**, Offenders, as Further Conditions of a Sentence of Probation, may be sentenced to "Intermittent Confinement." Such commitment requires the offender, during the first year of probation, to remain in Bureau custody during nights, weekends, or other intervals, no more than the lesser of one year or the authorized term of imprisonment for the offense. Normally, confinement will be in a detention/jail-type facility.

The CCM must ensure the designated contractor has a copy of the legal document stipulating "Intermittent Confinement" and specifying when confinement shall occur. The contractor shall execute these J&Cs in the same way as for any other Bureau commitment.

A two-position file folder should be used and shall normally

consist of:

a. Source - U.S. Marshal, District of Supervision:

- Certified copy of the Judgment and Probation/Commitment Order.
- Designation Request.
- Pre-Sentence Report (when available).
- U.S. Probation Program Plan.

b. Source - Contractor:

- Record of Medical Examination (if a CCC is designated).
- Documentation of Acceptance and Terminal Report.

c. Source - U.S. Marshal:

- Request for designation.
- d. Source - CCM:

- SENTRY Sentence Computation.

After release, the CCC-generated file shall be combined with the CCM two-part file. Files for intermittent confinement cases are archived in the same manner as direct court commitments.

#### 6.1.5. Institution Transfers

The CCC referral and transfer process is in the Program Statement on **CCC Utilization and Transfer Procedures**.

A two or six-position file folder is used and shall normally consist of:

a. Source - Institution of Confinement:

- Institution Referral Packet.
- Copy of Release Documents.
- Unescorted furlough with travel schedule (should be received in advance).
- Transfer Order (executed by Contractor).
- BP-S385 "Authorized Unescorted Commitments and Transfers" Identification Card (one copy received by the CCC prior to the inmate's transfer to the CCC and returned to the CCM executed with the inmate's thumbprint).

b. Source - Contractor:

- Documentation of Acceptance.
- Original Correspondence Generated during Confinement.
- Terminal Report.

c. Source - Community Corrections Manager:

- Original Documents and Correspondence Generated during Confinement.
- Sentence Monitoring Update Computation Satisfaction Release Certification (SENTRY).

After release processing is complete, community corrections staff shall purge the file of all materials that are already in the inmate central file. **Within 21 working days** following an inmate's release, the CCM shall mail the file, with completed release paperwork, to the referring institution's ISM.

## 6.2. INMATE FILE ACCOUNTABILITY AND SECURITY

Community corrections offices are located in the community rather than in an institution where there is substantially less risk of file security compromise. Therefore, the file security procedures set forth in the Program Statement on **Central File, Privacy Folders and Parole Commission Mini-Files** do not apply. Inmate file security, however, must remain a high priority due to the sensitive nature of the content - PSR's, CIM information, etc.

The following security procedures are required:

6.2.1. Active files must be maintained in locked, fireproof cabinets.

6.2.2. The CCM shall ensure that a file is maintained for all offenders under his or her control. This file shall be the only vehicle for storing material during the offender's confinement in the contract facility.

6.2.3. Files shall never be left unattended or handled in such a way as to be accessible to unauthorized persons.

6.2.4. Files or file material are not to be removed from CCM offices unless authorized by the CCM. "Out-guides" are to be used whenever a file is removed from the office.

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6.2.5. Requests by any agency outside the Bureau for any inmate file, active or inactive, are to be referred to the appropriate Regional Counsel for a decision. The MCA and CCRA may implement additional inmate file security and accountability measures as warranted by the office location and structure.

### 6.3. **SENTRY APPLICATIONS**

SENTRY is an invaluable management tool at all levels. It provides statistical population data for budgetary decisions at the regional and national levels and aids in contractor bill verification locally. SENTRY information may also be used to identify the particular phase of a program in which an inmate is participating. It cannot be emphasized enough to keep the data updated as this information is only valuable if it is current and accurate.

Assignments designed for community corrections are described in the **Community Corrections TRM**. Other important functions are found in the **SENTRY General Use TRM**. A few standard applications are discussed below:

#### 6.3.1. **Location Code**

There shall be a separate IIS Location Identifier Code (LOC CODE) for each contract location. All offenders admitted to contract locations shall receive a location assignment (LOC) (e.g., 4XW). This includes INS parolees. When an inmate who has been temporarily released from a facility is readmitted, SENTRY will readmit them to the previous location assignment. These codes are created through the ADP contract information procedures. See **Chapter 4 and Attachment 4-17** for additional information.

#### 6.3.2. **Inmate Movement**

Admissions, releases, and status changes (e.g., transfer to home confinement) must be updated the day the activity occurs, or the next work day if occurring after normal business hours.

#### 6.3.3. **Admission and Release Codes**

Admission and release codes are standard and listed in the **SENTRY General Use TRM**, Part 2, Code Tables, as ARS category codes. Codes specific to community corrections may be found in the **Community Corrections TRM**. Admission and release codes should coincide with the type of activity and correspond with appropriate COM assignments.

All INS parolees admitted to contract locations shall have the

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ARS assignment A-INS. All INS commitments have the community corrections (COM) assignment of "**CUBAN**" indicating a Mariel Cuban offender whose INS parolee status requires placement in a CCC. The SENTRY release code "INS REMOVE" is always used for INS parolees released from contract facilities.

CCMs must ensure support staff understand what codes to use and how to interpret them correctly.

#### 6.3.4. **Escape Codes**

The SENTRY release code ESCAPE is used for an escape from custody.

The codes ESC TECH N and ESC TECH O are used for technical escapes, where the N stands for new criminal behavior and the O for old criminal behavior. For example, if an inmate attempts to obtain a driver's license (a legal activity) and the name check reveals an old warrant for which he or she is arrested and jailed, this is ESC TECH O. On the other hand, if the inmate is stopped for speeding and an old warrant is located so he or she is jailed, this is ESC TECH N, since speeding is a new illegal activity.

#### 6.3.5. **Home Confinement Transfer**

When an inmate is placed on home confinement, the ARS status is changed. However, transfer orders are required only when the inmate moves to a different location ("LOC"). Examples of when it is required include transfer from a contractor that does not provide the service to one that does or to U.S. Probation's home confinement program. Then, the inmate is to be transferred from the current "LOC" and admitted to the new "LOC" - this changes the "ARS Date." The inmate's WLS assignments should be checked before the transfer transaction, as these will have to be reentered using the SENTRY "Update Inmate Assignment" transaction.

#### 6.3.6. **COM Category**

Community corrections field staff shall ensure that the SENTRY COM category is complete and accurate. Assignments related to type of commitment, aftercare needs of the offender, CCC denial category, ICC, CSC, Juvenile, and MINT are described in the **Community Corrections TRM**.

### 6.3.7      **Community Transitional Drug Abuse Treatment (TDAT)**

The CCRA shall determine which staff (CCM or TDAT Coordinator) are responsible for loading the SENTRY assignments for inmates in TDAT. Refer to the Program Statement on **Community Transitional Drug Abuse Treatment** and the **Community Corrections TRM** for further direction on these assignments.

### 6.3.8.      **SENTRY Monitoring Data**

The SENTRY "General Census/Roster Display" transaction may be used in a variety of ways to monitor offenders, case management activity data accuracy, and administrative status. Also, the Contract Location Profile System (CLP) provides data for monitoring contract activities and staff must update it each time some action - inspection, suspension, new contract, etc. - is taken on a contract. CCMs, MCAs, and CCRAs must be familiar with the details of these and other SENTRY transactions to provide proper management oversight of these activities.

The **Community Corrections TRM** provides samples of SENTRY transactions as examples of monitoring techniques used to ensure the accuracy of SENTRY data during monthly SENTRY monitorings conducted by CCRAs. Accurate data is important in the development of new community corrections initiatives, long range planning, and in the identification of internal weaknesses.

## 6.4. **SENTRY SENTENCE MONITORING APPLICATIONS**

Sentence computation is the mathematical method of determining release dates, parole eligibility dates, etc., for offenders serving sentences. SENTRY sentence modules have been automated to the extent that, except for complex computations, the Legal Instruments Examiner need only key accurate data to obtain correct results. CCM's must ensure an accurate computation data record is in SENTRY and on file for all offenders under their responsibility. Reference the **SENTRY Sentence Monitoring TRM**.

### 6.4.1.      **SENTRY Sentence Computation Procedure for Direct Court Commitments, Condition of Supervision Cases, and Supervision Violators.**

a. Prior to calculation of any sentence, computation data and documents must be assembled and reviewed. The necessary information and documentation includes but is not limited to the J&C Order, USM-129 Detention Record, and the PSI. If the inmate was in a federal pretrial facility, the SENTRY ARS history should also be reviewed. For violators, prior sentence computations must be reviewed to identify any over-served time which is

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creditable toward the new term.

b. After review of computation data, the sentence should be computed using the sentence monitoring computation transactions. The regional inmate systems specialist or administrator should be consulted for assistance on complex computations (i.e., long-term boarders and juveniles).

c. An audit for accuracy is conducted after the computation is completed. The original paper copy, a SENTRY printout, shall be placed in the inmate's file, and copies shall be sent to the contractor, inmate, and U.S. Parole Commission, if applicable. The official computation in the file must be signed and dated by the individual completing it and the staff member performing the audit. See the **Inmate Systems Management Manual**. Documentation of distribution of copies is to be maintained in the file.

d. The sentence computation must be completed within the time frames specified in the **Inmate Systems Management Manual**. The amount of jail credit must be reviewed immediately upon placement to ensure that a late release does not occur.

#### **6.4.2. Sentence Computation Data Review for Institution Transfers**

a. The institution Inmate Systems Manager shall perform a full audit of the sentence computation comparable to a release audit prior to an inmate's transfer to a CCC. However, the SENTRY sentence computation record for all institution transfers shall be reviewed upon arrival to ensure that:

- e** the computation is complete;
- e** CCC good time (if applicable) earning status is correct;
- e** no committed fines or costs have been overlooked;
- e** and
- e** there are no outstanding disciplinary actions.

The file must be documented to show that these items were checked.

b. A transfer audit as described in the **Inmate Systems Management Manual** is to be completed for long-term boarders transferring from federal institutions or to another CCM office's responsibility.

#### **6.4.3. Sentence Computation Data for Supervision Cases**

The sentence monitoring module shall be used to calculate and provide a paper copy computation data record for supervision cases. This will provide release data and allow automatic retrieval of release data rosters from SENTRY along with data for inmates serving sentences. This process is now mandatory for all supervision cases. Release dates are to be tracked using the sentence monitoring module or the SENTRY "Population Monitoring Census/Roster Generalized Retrieval" transaction.

#### **6.4.4. Sentence Computation for Probation or Supervised Release Violators**

The original file should be requested from the releasing institution and combined with the violator file for all supervised release violators committed directly to a CCC or local jail. The original sentence computation for supervised release violators must be reviewed for over-served time. Sentences are computed in accordance with the **Sentence Computation Manuals (Old Law and CCCA 1984)**.

#### **6.4.5. Good Time Actions - Disciplinary Process**

- a. The "Sentence Monitoring Status/Update Statutory Good Time" transaction should be used to determine how much SGT is available for forfeiture based on the severity and frequency of the Prohibited Act.
- b. After the amount that can be forfeited is determined, the same transaction, the Sentence Monitoring Status/Update Statutory Good Time, shall be used to forfeit the SGT and automatically calculate the sentence. The appropriate contractor shall be advised of the new projected release date.
- c. The CCM must document SGT forfeiture on the Statutory Good Time Action Notice form (BP-S389), place it in the inmate's file, and record it appropriately in SENTRY. (The CCM signs as IDC chair.)
- d. When the DHO sanction is received, the disallowance is to be keyed into SENTRY immediately and the sentence recalculated for a new release date. The disallowance/forfeiture of Good Conduct Time shall be documented on the Good Conduct Time Action Notice (BP-S448), and placed in the inmate's file. The SENTRY "Inmate Discipline Data Record" shall be used to document any institution actions.

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e. If the offender is still in a contract location, release documents must be updated to reflect the revised release date and the inmate and contractor must be notified.

f. If an inmate is placed in custody at a federal institution prior to the Statutory Good Time or Good Conduct Time action, the ISM at both the holding and designated institutions must be notified that the computation requires an update. This notification must be written (BOPNet is appropriate) indicating how much time was forfeited or disallowed and what the new release date will be. If the release date is near, the notification and follow-up (mailed documentation) must be prompt.

#### **6.4.6. Sentence Satisfaction Procedures**

a. Before an offender has completed the term of incarceration and has been released from custody, the SENTRY Sentence Computation must be updated using the sentence satisfaction transaction. The inmate shall then be released in SENTRY. If the statutory release date and actual release date are not the same, the computation remarks should be updated to explain the difference.

b. After the computation has been satisfied, and the prior commitment transaction has been completed, a copy of the Sentence Monitoring Update Computation Satisfaction display is printed and placed in the file. The following statement must be annotated or stamped on the paper copy to certify the release of all "old law" cases:

"In accordance with **18 U.S.C. § 4163**, this document certifies that the within-noted inmate has been released as shown above."

(Signature of CCM or designee)

**Community Corrections Manager**

**Date**

c. The documented (paper copy) certification must become part of the Inmate Central File. When the CCM mails the offender's file to the parent institution, the Updated Computation Satisfaction certification must be contained in it. A copy of the "satisfaction display," is to be included in all cases.

d. When persons under supervision abscond or are terminated early from a CCC, their sentence computation should be satisfied

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and made a prior commitment, effective the date they abscond. In these cases, the computation remarks section should be updated to reflect the reasons for early termination from the program.

Note: When a CCM office is scheduled to move (e.g., room, building, city, or opening or closing), the CCM shall notify the Chief, SENTRY Field Services, Office of Information Systems, Central Office, in writing, at least 90 days in advance.

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## CHAPTER 7. FISCAL MANAGEMENT

### 7.1. BUDGET DEVELOPMENT OVERVIEW

The Bureau's budget development phase begins approximately 18 months before the start of the fiscal year. During this time, management identifies initiatives (major projects and new programs) to be included in the Bureau's budget request. Once the Director has approved the initiatives, their projected cost is added to the prior year's budget. This results in the Bureau's proposed operating budget for that fiscal year.

It is imperative that CCMs and MCAs prepare sound, realistic projections to ensure funds are provided for the accomplishment of program goals and objectives. Usually in March, the Community Corrections Branch (CCB) requests that CCRAs submit their budget projections for the fiscal year 18 months away. Field staff then begin the process of identifying budget requirements. The CCRA analyzes all data from the field and submits it to the Central Office CCB for submission to the Budget Development Branch in the Bureau's Administration Division.

The Budget Development Branch compiles budget figures from all Bureau components along with detailed narrative descriptions and justifications of Bureau programs and initiatives into a document known as the Spring Planning Submission. This is forwarded to the Department of Justice (DOJ) to be included as a line item in the Congressional Budget. After review by Office of Management and Budget (OMB), the Budget Development Branch prepares the budget for final review by the President and submits it to Congress.

When an appropriations bill is passed by Congress and signed by the President, the allotment procedure begins. The Central Office Budget Execution Branch distributes funding for the Region's fiscal year allocation.

### 7.2. AREAS OF RESPONSIBILITY

Community corrections is responsible for the following budget areas:

- ! Contract Community Corrections Centers - Program T1;
- ! Contract Confinement - Program D with its' three parts: jails D1, long-term adult boarders D2, and juveniles D3;

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- ! Community Corrections Management - Program R1; and
- ! Transitional Services - Program 2021.

The Central Office CCB, in conjunction with the Budget Execution Branch, is responsible for the initial allocation and transfer of funds between regions and programs. Program T1 and D funds are occasionally moved from one program to the other. Funds **may not** be transferred between programs without written approval of the Central Office CCB. For the purposes of management, Program R1 is always kept separate. R1 funds normally cannot be transferred to the T1 or D programs.

CCMs submit estimated annual expenditures for each of their contracts. They are responsible for projecting future budget needs, estimating inmate-days and annual costs for contracts and for monitoring budget expenditures. These budget projections are then submitted to the MCA. The CCM is ultimately responsible for the management of Program T1 and D monies in conjunction with the Regional Comptroller

The MCAs have oversight responsibility for CCM tracking of budget allocations and expenditures and for reviewing the budget projections submitted by the CCM. The MCA consolidates these budget requests and submits them to the CCRA. MCAs are also responsible for the Community Corrections Management Center budget, Program R1, which funds CCM office training, travel, and supplies. The Central Office has no involvement with the Community Corrections Management Center budget.

Each CCRA makes a request for their region's upcoming fiscal year to the Central Office based on budget projections received from the MCAs. After the CCRA receives their allocation, funds are distributed to the MCAs. The MCA then disburses funds to each CCM office.

### **7.3. BUDGET PLANS AND REPORTS**

#### **7.3.1. Spring Planning Submission**

The budget process, also known as Spring Call, begins in late February or early March, 18 months in advance of the fiscal year. At this time, projections, program initiatives, and workload data pertaining to contract confinement needs two years into the future are identified and compiled by the CCB. A narrative is then submitted to the Budget Development Branch.

The Budget Development Branch prepares this information for inclusion in the Bureau's funding request to Congress. Before

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Congress receives this request, DOJ and OMB review it closely and may require additional information to support the request before it is reviewed by Congress. Both the House and the Senate review the Bureau's budget request and may decide to change requested amounts prior to passing it to the President for final approval. The budget projection process must begin well in advance of when the funds are actually needed as this process takes over a year.

#### **7.3.2. Annual Budget Plans**

A Community Corrections annual budget plan is required to prepare and identify budget needs for the next fiscal year. Each CCRA is required to submit a completed annual budget plan to the CCB by July 15 of each year.

One section of the annual plan gives projections for Contract CCCs (T1) and another section gives projections for total contract confinement (D), including jails (D1), long-term adult boarders (D2) and juveniles (D3). Each section includes inmate-days and the per capita cost used to arrive at the requested budget, plus a narrative on any program or other change affecting the budget.

The CCB submits an operating plan by region and program based on established funding levels provided by the Budget Execution Branch. Budget Execution uses this to allocate funding by the appropriate program and object class codes to the Regional office. The CCB then informs the CCRA of his or her allocation for the upcoming fiscal year.

#### **7.3.3. Budget Projection Process**

The budget projection process is essentially the same when formulating both the spring planning submission and the annual budget plan. The main difference is that the spring call goes to the Bureau Budget Development Branch for use in requesting funds from Congress while the annual budget plan goes to the Bureau Budget Execution Branch after the funds have been granted by Congress. Budget Execution uses the annual budget plan to distribute funds to each region.

A general description of the process community corrections staff use to project future fiscal needs is described below:

- (a) CCMs submit budget projections to the MCA on **Attachment 7-2, CCM Budget Projections**, using the **Budget Projection Justification Worksheet** for each contract. This worksheet is found in the **Community Corrections Technical Reference Manual**. Working papers are also submitted to the MCA and are filed with these Attachments.

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To accomplish this, CCMs calculate their projections taking into account the number of offenders to be serviced, average length of stay, and per capita rate for both contract confinement and community corrections centers budgets for each contract.

Details on trends, unique situations, and additional variables affecting one or both of these programs also must be taken into consideration. A narrative explanation is required for any significant factors considered or changes made from the Spring Call figures submitted a year earlier.

(b) The MCA verifies the calculations and the process the CCM used to prepare projections. This is accomplished using the Verification section of **Attachment 7-2, CCM Budget Projections.** The MCA also compares the actual costs and total inmate-days used during the current year to ensure the CCM's budget projections are sound. The MCA then consolidates all field data for their Management Center and submits a budget request to the CCRA.

(c) Next, the CCRA reviews the budget information received from each MCA and analyzes all justifications for any increase or decrease. Once completed, the CCRA consolidates the budget data from the Management Centers and submits their regional request to the CCB for review using **Attachment 7-1, Region Annual Budget Plan.**

#### 7.3.4. **Monthly Budget Reports**

In order to monitor the community corrections budget on a national level, CCRAs submit the following two monthly budget summary reports found in BOPDOCs, via BOPNET Groupwise, by the 25th of each month to the CCB:

! Monthly Contract CCC Budget Summary (EMS Form 904). This form is used to report Program T1 figures.

! Monthly Contract Confinement Budget Summary (EMS Form 903). This form is used to report Program D figures.

Both forms require budget information pertaining to expenditures, inmate-days and per capita costs for all contracts within the region. This information is recorded in the following two categories:

! Actual for the last month: entered in this area are the corrected figures for the previous reporting month. The figures (expenditures, inmate-days, per capita costs) are the total amounts obtained from all the

contract bills processed and accrued for that month.

! Cumulative for the year: entered in this area are the total figures (expenditures, inmate-days, per capita costs) for the year, plus, the actual amount for the last month. Accrued bills that have been processed will be adjusted and entered into the yearly total.

#### 7.3.5. **Tracking Contract Expenditures**

The Central Office CCB allots CCRAs a budget for each fiscal year in Programs T1 and D. CCRAs allocate funds to each Management Center for their field offices to track contract expenditures.

CCMs must use the spreadsheet issued by the Central Office, CCB Operations Section to record, monitor, and track expenditures by contract and totals by CCCs (T1) and Confinement (D). MCAs maintain oversight of the tracking of these expenditures. CCRAs must be kept apprised of any circumstances in which there is a significant surplus or deficit in funds. CCRAs will review and make a determination on the appropriate action to be taken.

#### 7.4. **ACCRAULS**

In accordance with current accounting policy, at the beginning of each fiscal year, CCMs submit annual accruals for each contract to Financial Management to be distributed across the next twelve months as appropriate. CCMs make allotments to each contract based on their annual disbursement received from the MCA. The following instructions for this process are to be followed:

1. At the beginning of each fiscal year, the CCM office will submit an annual accrual for each contract facility based on their annual budget request submitted in June. The annual accruals are submitted to financial management through the MCA and CCRA. If the estimated monthly expenditures are projected to be stagnant throughout the fiscal year, this figure can simply be divided by 12. However, known variables, such as option year per capita changes or projected population changes, must have an individualized accrual for each of the 12 months calculated and submitted.
2. If at anytime during the fiscal year the CCM office expects a significant change in the originally submitted accrual, they shall submit an amended accrual through the MCA and CCRA to the Regional Comptroller.

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3. By the 25th of each month, each region must submit the actual expenditures for the previous month to the Operations Section in the CCB.

Policy requires that "accruals" be as accurate as possible. Accurate projections result in accurate accruals. Therefore, it is essential that staff perform legitimate, detailed projections each year for each contract, track accruals against expenditures monthly, and make adjustments as necessary.

#### **7.5. CONTRACTOR BILLINGS**

An invoice is the bill or written request of payment the contractor provides for services rendered. Payments are based on a proper invoice and satisfactory performance of contract terms. The MCA and CCRA must monitor bill processing closely to ensure CCMs follow proper procedures and process bills in a timely manner. Specific procedures related to bill verification and certification are found in the **Community Corrections Technical Reference Manual**.

CCMs must certify that services presented for payment have been rendered. This must be done within five working days following receipt of an accurate bill. All bills are date-stamped with the date received and are reviewed promptly to determine if they are accurate. Incorrect billings shall be returned to the contractor for correction. The CCM shall maintain documentation to show the date bills are received as well as the date bills are returned to the contractor for corrections.

When billings are determined to be accurate, the CCM approves payment by signing the voucher (SF-1034) and forwarding it along with a copy of the billing to the CCRA within 5 days of receipt. The CCRA then initials or signs the voucher and forwards it to the Office of Financial Management.

If the contractor collects 25% of subsistence from the resident, the CCM must ensure the billing calculations reflect the amount of these collections and that the Bureau receives credit for them. Further information regarding subsistence is found in Chapter 5.

##### **7.5.1. Medical Payments**

Inmates in CCCs are expected to become financially self- sufficient and therefore, bear the cost of medical care. Refer to Chapter 5 for further information.

The Bureau shall, however, accept financial responsibility for inmates housed in contract detention facilities or CCC inmates with unusual circumstances. The CCM must consult with the

Regional Health Services Administrator (RHSAs) prior to approving services. The MCA and CCRA must be made aware of any unusual circumstances.

Outside hospital, surgical, prescription and dental costs of offenders housed in contract facilities are charged to FMS Cost Center 225 (Outside Medical Service), Program B. This Cost Center is managed by Bureau of Prisons Medical Services. Community corrections staff do not obligate or expend funds from this Cost Center. Outside medical costs are not included in the basic daily contract rate.

#### **7.5.2. Release Expenses**

Non-subsistence costs, such as release expenses, which are not included in the contract rate may be paid by the contractor and reimbursed by the Bureau. The appropriate sub-object code is listed separately on the contractor's invoice when processing the bills. For example, if the U.S. Marshals Service pays for a Bureau inmate serving a sentence in a jail, a SF-1080 is submitted to the CCM for processing.

See the Program Statements on **Interagency Agreement Between the Bureau of Prisons and U.S. Marshals Service; and Release Gratuities, Transportation, & Clothing**, as well as Chapter 5 of this manual for further information.

### **7.6. MANAGEMENT OF THE OPERATIONS BUDGET**

The MCA is responsible for managing and tracking Program R1, Operations Budget. CCRAs track R1, review and consolidate the MCA/CCM requests, and submit their budget requests for regional operating expenses to their Regional Comptroller. CCRAs distribute R1 funds to the MCA who manages the R1 Program expenditures for the Management Center district.

#### **7.6.1. Annual Budget Plan for CCM/MCA Offices**

CCRAs shall advise their CCMs/MCAs when to submit an annual budget plan for the approaching fiscal year. This budget is for the operation of the CCM/MCA office and is finalized through the Regional Comptroller. Information on travel, office equipment, supplies and other office operating expenses such as copier rental, telephone, etc., is included. The CCM/MCA shall include all equipment purchases for the Fiscal Year (furniture, office machines, etc.) in this projection.

#### 7.6.2. **Travel**

The MCA and CCM project and plan travel on a monthly, as well as annual basis. Based upon the annual allotment, the CCRA allocates a specific amount of money for travel to each MCA.

In all cases, care must be exercised in planning and/or approving travel to ensure the travel is prudent, required as part of the traveling employee's responsibilities, and incorporates the most economic and advantageous method and time of travel.

The Regional Director authorizes all travel. A travel authorization is issued to travelers before each actual trip outside a 50-mile radius. The appropriate accounting classification and the estimated amount of the travel must be stated on all travel authorizations. The CCRA forwards all travel authorizations to Financial Management.

Ordinarily, each MCA, CCM, and COS will use the government issued credit card for travel purposes. Within five working days of travel completion, the travel voucher must be submitted to Financial Management. Vouchers claiming reimbursement costs for official travel are submitted to the MCA/CCRA for approval using the form authorized by Financial Management. Staff shall submit the original travel authorization with lodging receipts and any other receipts deemed appropriate. These attachments shall accompany the travel voucher submitted to the MCA/CCRA for approval and further payment processing.

Local travel within a 50-mile radius incurred by MCAs, CCMs and COSs using privately owned vehicles (POVs) in and around official duty stations (i.e., visits to a local contract facility, USM, USPO, etc.) is claimed on the Miscellaneous Expenses (SF-1164) and does not require a travel authorization. Receipts for parking, tolls, etc., should be provided if available. Metered parking used should be noted.

#### 7.6.3. **Office Expenditures**

Office supplies, printed stationery, Post Office Box rental, telephone costs, etc., relating to CC office operations may be purchased with the government credit card. All expenditures, both anticipated and actual, for CCM and MCA offices are routed through the CCRA who is the Cost Center Manager for community corrections budgets.

Major capitalized equipment needs require the submission of a Request for Purchase Form (BP-S101.041) and a Major Equipment

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Justification Form (BP-S135.041) to the CCRA. Minor equipment needs (non-capitalized) require only the Request for Purchase form and, if approved by the CCRA, are forwarded to the Regional Procurement Officer for issuance of a Purchase Order, BP-ACCT-81.

Day-to-day purchases must be made with the government credit card.

Exceptions to this rule and complete details on the use of the credit card are found in the Program Statement on **Bureau of Prisons Acquisitions (subpart 13.601-70)** and the **Procurement Technical Reference Manual**. In general, the procedure for using the card begins with the purchaser determining if the needed item is available from a mandatory source. Once mandatory sources have been screened, the purchaser locates a vendor and verifies the price. Vendor selection is made on the basis of the best price or value to the government and may be accomplished either by telephone or in person.

All purchase orders, requests for purchase, and invoices require an account class code as found in Financial Management regulations. Upon receipt of an invoice and verification of services and/or supplies received, the CCM or MCA shall stamp and sign approval of charges claimed and forward the forms to the CCRA for further processing and payment. Payment can only be made after approval of a valid invoice. Payment cannot be issued based on receipt of a statement.

## **7.7. ACCOUNTING AND CONTRACTING PROCEDURES AND CODES:**

### **7.7.1. Introduction**

The Appropriation Bill is an authorization by a Congressional Act for an agency to make payments from the U.S. Treasury for specified purposes. The two main appropriations administered by the Bureau are:

the Salaries and Expenses (S&E) Appropriation, a "one-year appropriation" available for incurring obligations only during a specified fiscal year. Most community corrections funding is contained in this appropriation, with some coming from the Violent Crime Reduction Program (VCRP); and

the Buildings and Facilities (B&F) Appropriation, a "no-year appropriation" available for incurring obligations for an indefinite period of time.

Specific codes are used to track the Bureau's expenditures of Congressionally- appropriated funds. These codes are entered into the Financial Management System (FMIS) which is the vehicle used to keep track of the appropriation and expenditure of funds by various units and programs within the Bureau.

#### 7.7.2. Monitoring Budget Activity

It is important to monitor the FMIS reports and check on any significant discrepancies between the FMIS figures and the CCRA figures. CCRAAs cross check their tracking systems (the three programs described below) against FMIS official figures on a quarterly basis.

#### 7.7.3. Programs

Program Codes are used to identify functions or activities conducted by the Bureau with funds specifically allocated for that activity or function. The Program Code is a single letter. Program Codes used in community corrections (and described at the beginning of this chapter) are:

Contract Community Correction Centers = T1

Contract Confinement = D

Community Corrections Management = R1

Transitional Services = 2021

#### 7.7.4. Codes

Each of the programs above also has a YRegDoc number which is a 10-digit (or 12-digit in Program Review) code placed on all funding or obligating documents such as contracts, Purchase Orders, and invoices. The codes are later entered into the FMIS.

The **Community Corrections Technical Reference Manual** contains a description of what each part of the accounting classification code means and how it is used by community corrections staff. It is the responsibility of the CCRA, MCA and CCM to ensure these codes are accurate. To assist, the following lists should be obtained from the Regional Office of Financial Management on a regular basis:

1. Bureau of Prisons FMIS/FMS Institution Codes,
2. Key to Classification Level Codes,
3. Program Area Codes,
4. Key to FMIS/FMS Sub-Object Codes.

### 7.8. CONTRACT NUMBERS AND CODING

#### 7.8.1. Contract Numbers and Purchase Orders

Each obligating document must have a document control number which is a two-part entry. This is a YRegDoc number and an AccountClass code. This remains with the contract, without

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regard to fiscal year, for the life time of the contract, or until the contract is canceled or allowed to expire. Purchase orders, on the other hand, are valid for one fiscal year or less and only for the fiscal year in which issued.

Refer to the **Community Corrections Technical Reference Manual** for examples.

#### 7.8.2. **Location Code**

In addition to the contract number, each separate contract location is assigned a three digit identification code by the CCRA. This location code remains with the unit, and will remain even when the contract is inactive and no longer used by the Government. **This code cannot be used again.**

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Attachment 7-1, Page 1

**REGION ANNUAL BUDGET PLAN****for FY** \_\_\_\_\_

Submitted by:

**I. C BUDGET - COMMUNITY CORRECTIONS CENTERS**

A. Best Estimate for Current Year Expenditures:

\_\_\_\_\_ Inmate-days X \_\_\_\_\_ Per Capita Cost = \_\_\_\_\_

B. FY \_\_\_\_\_ Request:

\_\_\_\_\_ Inmate-days X \_\_\_\_\_ Per Capita Cost = \_\_\_\_\_

C. Justification for increase or decrease:

**II. D BUDGET - CONTRACT CONFINEMENT**

A. Best Estimate for Current Year Expenditures:

\_\_\_\_\_ Inmate-days X \_\_\_\_\_ Per Capita Cost = \_\_\_\_\_

B. FY \_\_\_\_\_ Request:

Jail  
\_\_\_\_\_ Inmate-days X \_\_\_\_\_ Per Capita Cost = \_\_\_\_\_Long Term Boarder  
\_\_\_\_\_ Inmate-days X \_\_\_\_\_ Per Capita Cost = \_\_\_\_\_Juvenile  
\_\_\_\_\_ Inmate-days X \_\_\_\_\_ Per Capita Cost = \_\_\_\_\_Total  
\_\_\_\_\_ Inmate-days X \_\_\_\_\_ Per Capita Cost = \_\_\_\_\_

C. Justification for increase or decrease:

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Attachment 7-2, Page 1

**CCM BUDGET PROJECTIONS For fiscal year**

CCM Office:	
Facility:	Facility Code:

A	Number of Inmates to be serviced	
B	Average length of stay	
C	Per Capita Rate	

D	Total Cost	
---	------------	--

**VERIFICATION OF INFORMATION**

1.	Inmate-days for the year		2.	ADP	
3.	Adjustment made: Y/N	4.	Reviewed Per Capita Cost: Y/N		
5.	Total Cost	\$			

Worksheet reviewed by: \_\_\_\_\_

Management Center Administrator

# **EXHIBIT 4**

## **GEO GROUP INC. RESIDENT HANDBOOK**

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Revised Sept 2020

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## **WELCOME TO GEO REENTRY SERVICES TAYLOR STREET FACILITY**

### **PHILOSOPHY OF GEO REENTRY SERVICES, INC.CORRECTIONS RE-ENTRY**

The GEO Reentry Services Taylor Street Facility has a structured program for individuals within the criminal justice system who are eligible for placement in halfway houses. The philosophy of GEO Reentry Services is that each individual is responsible for their own behavior. We believe each individual should have the opportunity to take responsibility in helping set up their own program plan while at GEO Reentry Services and be held accountable for carrying it out. We assist individuals to move from a very closed and restricted environment back into the community. We provide freedom, within limits, and provide support systems to aid each individual make their way into society where they can live as a law-abiding citizen.

The main emphasis for your stay at Taylor Street will be in finding and maintaining a meaningful job (academic/vocational courses must lead to viable employment opportunities). At times, other needs may be more important, and you and your Case Manager can develop a program based on your individual needs. When you have established work, you will be given more time away from the Facility to spend with your family and friends as it fits into your reentry plan. Allotted time away from the Facility is determined by the level system, which is utilized in the program.

The Residential Reentry Center (RRC) is an intensive, multi-dimensional program designed to meet each resident's rehabilitation needs. Each resident is expected to have realistic achievable goals, which he/she is to pursue while at the center. These goals will focus on a successful adjustment to living in the community. Goals will be formulated upon an individual's arrival and will include, but not be limited to, securing employment, vocational training, educational pursuits, family adjustment, savings plan and a suitable release residence.

You will be assigned a Case Manager, but are encouraged to talk with any staff member that you feel can be of assistance. The Job Developer has the primary responsibility for employment placement, and will discuss your skills and plans and will refer you to appropriate community resources. Based upon your occupational interest, prior employment, demonstrated work performance and existing skills, every effort will be made to advance and up-grade your employability before your release.

Your Case Manager will assist in making you feel at home upon arrival, and will assist in day-to-day activities and in facilitating a smooth transition into the community. Your Case Manager will assist you in requesting weekend passes, advancing through the level system (when applicable), and with any other special needs that may arise.

Your Case Manager will work closely with you in establishing short- and long-term goals, in budget planning and in solving any problems within your program. Your Case Manager is required to make available a minimum of one-half hour of counseling per week. Additionally, you may be required to attend monthly Town Hall meetings, as well as selected group counseling sessions. Outside speakers from community agencies will be invited on occasion to discuss current topics. Community referrals to outside agencies such as the Department of Vocational Rehabilitation, Employment Development Department, and Job Training Placement Association will be made to assist each resident in meeting individual goals. Your Case Manager will arrange a team meeting with each resident and their assigned Parole, Probation Officer or Re-Entry Specialist for the purpose of program planning. Geo will also provide in-house programs such as Alcoholics Anonymous/Narcotics Anonymous (A.A. /N.A.), literacy and General Education Diploma (G.E.D.) courses, group counseling and community education speakers.

While in this program, it is important to remember that you are still in custody or on probation/parole. Many of the rules and guidelines which were enforced at the institution are observed at this facility. We are required to follow BOP and CDCR rules and regulations.

## **PROGRAM GUIDELINES**

### **MEALS**

For all residents, three meals per day will be provided at the Facility. Times will be posted and may be subject to change. Special Diets (Vegetarian, Vegan, Diabetic, etc.) are available with the approval of a resident's Case Manager.

### **TELEPHONE CALLS**

PUBLIC PAY PHONES ARE PROVIDED FOR RESIDENTS. The office number may be given out for business calls or emergencies. Cell phones are permitted with approval. Internet access must be approved in advance. All phones are subject to search.

### **CELL PHONES/TABLETS/ LATOPS**

All request for cell phones or any other electronic equipment must be submitted in writing prior to possession of the device. cell phone request form is located in form box. Please submit to your case manager for approval. Many individuals have internet restrictions and will not be approved to have a Smart phone. All phones will be searched by any staff at any time. Tablets or Laptops are not allowed. X- boxes, Play stations and other devices with direct internet access will not be permitted.

### **DRIVING PRIVILEGES**

The Facility Director or Re-Entry Specialist may authorize the use of privately owned vehicles or business vehicles by residents under the following conditions:

- ◆ The resident must show a valid California Driver's License
- ◆ The resident must have a valid, up-to-date insurance policy, vehicle registration, and a current Department of Motor Vehicle (DMV) printout
- ◆ If the car is not personally owned by the resident, the owner of the car must sign a notarized written letter of authorization for the resident to drive it.

**NO RESIDENT IS ALLOWED TO DRIVE ANY MOTOR VEHICLE  
WITHOUT PROPER PERMISSION.**

**ANY VIOLATION OF THIS POLICY WILL RESULT IN  
DISCIPLINARY ACTION.**

### **SEARCH AND SEIZURE**

**GEO Reentry Services staff are authorized to search any resident, resident's room, or his/her belongings at any time.** If any individual is in possession of illegal drugs, alcoholic beverages or stolen property, these items will be confiscated and held as evidence to be used against him/her during a disciplinary hearing. Residents are prohibited from having any contraband including weapons, alcohol, narcotics, marijuana or spice in their possession or in this facility. This extends to your home vehicle or property while you are on home confinement. Upon entrance to facility please remove your shoes and your jacket. A full pat down and search of your belongings will

occur upon entrance to facility. (Any perishable foods found in your room will be discarded immediately.)

## **SUBSISTENCE**

BOP, USPO and Pre-Trial Residents will be required to pay 25% of their gross income as a condition of their placement at the facility. This offset the cost of confinement to the referring agency. In individual cases with *very* unusual circumstances, the BOP *may* waive or reduce resident subsistence payments. Such cases must be fully documented, and it is the responsibility of the resident to provide this information. All residents will be charged from the first day of work until a decision for reduction is made. Participants do not pay subsistence on the home confinement. You are required to pay subsistence within 48 hours of receiving our check to avoid disciplinary action. See Job developer or Case manager.

## **SAVINGS**

**You will be required to submit a budget and have a savings plan. You will work with your case manager. You will be required to show verification for savings.**

## **MAIL**

The staff of GEO Reentry Services has an obligation not to accept resident's correspondence when contraband is suspected, or to receive unauthorized correspondence. Any package arriving at the facility will be opened by the resident in front of staff for inspection of contraband.

**ANY CORRESPONDENCE RECEIVED WHERE CONTRABAND IS SUSPECTED, OR CORRESPONDENCE BETWEEN RESIDENTS AND CURRENT OFFENDERS, EX-OFFENDERS, AND THOSE UNDER COURT SUPERVISION, IS CONSIDERED TO BE UNAUTHORIZED CORRESPONDENCE WILL BE AUTOMATICALLY RETURNED THROUGH THE POSTAL SERVICE. ALL AUTHORIZED MAIL WILL BE GIVEN DIRECTLY TO THE RESIDENT UPON DELIVERY.**

## **RESIDENT ACCOUNTABILITY AND RESPONSIBILITY**

It is the responsibility of the GEO Reentry Services Staff to be accountable for every resident at all times. The following regulation must be strictly adhered to:

**Unemployed:** Those residents who are required to work and are without jobs must sign out each day to look for work. They will be required to submit a Daily Accountability Report to the Job Developer, to account for their day's activities. Verification must be brought back daily from any place you are authorized to go. Periodic checks will be made to confirm that the resident actually went to the places listed. (Refer to level system employment policy for further details). **Mental Health and Medical Waivers** are given on a case-by-case basis. Please see your Case Manager or Job Developer.

**Employed:** Our contracts require that we notify your employer of your legal status while you are in our facility and this can be waived on a case by case basis, approved by Federal probation Officer.

When a resident secures a position, an Employment Information form must be completed and returned to the Job Developer immediately. **All employment must be verified by GEO Reentry Services Staff PRIOR to the first day of work.** Any resident requesting to return to self-employment must provide legal documentation showing, through power of attorney, transfer of ownership, including responsibility for payroll and other financial matters. Self employment must be approved by BOP.

Following each pay period, the resident is required to submit an earnings statement or a copy of his/her pay check and appropriate subsistence payment. Any changes in employment must be reported to the Job Developer immediately, and approval must be granted. Any resident requiring bonding may receive such through the Employment Development Department. Additionally, tax credit information for the prospective employer may be obtained through the Case Manager.

## **RESIDENTS ON RESTRICTION**

Restriction occurs when specific rules of the Center have been violated or in those cases where a resident makes little effort to pursue program goals. Restrictions may range from denial of sign-outs to denial of weekend passes and/or weekend restriction.

## **PERSONAL HYGIENE SUPPLIES**

Articles necessary for maintaining proper personal hygiene are available for residents that need them. These articles include soap, shampoo, toothbrushes, toothpaste, combs and special hygiene items for female residents.

## **COMMUNITY CORRECTIONS, RE-ENTRY & HOMECONFINEMENT COMPONENTS**

### **PROCEDURES**

The GEO Reentry Services Taylor Street Facility provides three program components. These are:

**Community Corrections Component** – This is the most restrictive of the three program components used at the Taylor Facility. Most residents are assigned to this component upon arrival at this facility. Except for employment and other authorized activities (i.e., seeking employment, attending religious services, etc.), residents in the community corrections component are restricted to the facility at all times. Generally, residents in this program component are not eligible for passes or furloughs for the first 72 hours or seven days, depending on program.

**Re-Entry Component** – Residents in this component have demonstrated the ability to obtain and keep full-time gainful employment or approved vocational training, and are considered by their Case Manager and the Facility Director to be moving steadily and successfully though their individual program plans. The re-entry component allows residents to earn privileges such as passes, the opportunity to volunteer outside the Facility in community projects, etc. This program component also allows residents more unscheduled time outside of work hours, but also required residents to demonstrate their ability to manage their free time in a positive way. The primary objective of this program component is to help the resident make a successful transition from the institutional setting to the community or as a resource while under supervision. Residents will be granted time in the community on a graduated basis.

**Home Confinement Component - for BOP Pre-Release Only** – This is the least restrictive program component available at Taylor Street. In this component, a resident is permitted to live away from the Facility in an authorized private residence, although the resident is still considered to be held in Federal custody until officially released. Home confinement is both a time of testing and an opportunity for residents to assume increasing levels of personal responsibility. Compliance with the conditions of home confinement may be monitored either by electronic monitoring equipment or by regular telephone and in-person contacts by GEO Reentry Services supervisory staff.

Because rules governing a resident's behavior and lifestyle in the home confinement component allow major changes in the resident's environment, specific program objectives are expected to be accomplished. Residents of the Facility who are eligible will be considered for home confinement. Upon approval by the CCM, they will be placed in this program component.

Residents in the Community Corrections and Re-Entry components are housed in the same facility, but the privileges and supervision requirements are different.

Passes, furloughs or other absences from the facility for residents in the Community Corrections component require advance approval of the CCM,

Transfers from federal institutions and offenders under supervision will be placed in the Community Corrections component, unless otherwise directed by the U.S. Probation Officer.

All other residents will be placed in the Re-Entry component unless otherwise directed by, Probation or Parole Officer, or the CCM.

## **CURFEW AND PASS POLICY**

### **CURFEW**

Except for employment, vocational training, authorized passes and furloughs, residents must be in the Facility by 600PM at the latest each evening. Curfew for all home passes is 9pm. you must be at your location by 9pm not in transit. The Facility Director may make specific exceptions in compelling situations.

### **PASS**

**Passes are a privilege, not a right of residents.** Residents who are away from the Facility on pass will inform GEO Reentry Services Staff of their whereabouts at all times. Unless authorized in advance by the Facility Director residents on pass must remain at the approved pass location from 9:00PM each evening to 6:00AM each morning of the pass. For BOP Pass locations must be within a traveling distance of 100 miles, or less, from the Facility.

Pass applications must be completed with the Case Manager during the weekly counseling sessions and submitted by Wednesday morning for consideration. **Any requests turned in past this deadline will be denied.** The Facility Director will have final approval.

The first time a BOP resident requests a pass, he/she must require that his/her pass sponsor meet with the Case Manager and sign an agreement that they understand the pass conditions, and will help the resident **abide by those conditions.** All passes are subject to approval pending completion of prerequisites, which are designated by the resident's Case Manager. Our contract requires that the Case Manager visits your location even if the USPO has approved the location . **Telephonic verifications will be conducted by GEO Reentry Services Staff throughout the duration of each pass.** Pass locations must have a telephone which does not have call forwarding. Each resident is responsible for contacting staff if he/she is going to be away from the pass location. In the event you do not answer your phone we will make every attempt to contact you. If we cannot-escape procedures will begin and you will be placed on escape. Staff must be able to reach you on pass 24/7. This means you must answer the phone at 0200 if we call.

## FURLough POLICY (BOP ONLY)

**Furloughs are for BOP Re-Entry Component residents only.** A furlough is an authorized absence from the facility for up to 72 hours with a definite purpose (i.e., attending the funeral of a relative, obtaining necessary medical treatment or to develop employment or release plans) for an established period of time. Three weeks advance notice must be given to the Case Manager to be considered for the furlough. Final approval will be granted by the Facility Director and RRM.

## MEDICAL CARE

In an emergency situation that is life threatening, GEO Reentry Services Staff will call 911. ALL residents will immediately be referred to San Francisco General Hospital via ambulance.

For Pre-Release the Facility Director and RRM must be notified as soon as possible, once the situation is under control. For Public Law and Pretrial clients, the Probation Officer or Pretrial Officer is to be informed. If San Francisco General Hospital is unable to meet the needs of the resident; they will be referred to University of California Medical Center.

In a non-emergency situation when a Pre-Release resident requires routine treatment, a medical vert must be requested and approved by BOP prior to appt. Your case Manager will notify you of your appointment time once BOP has approved the care and set up appt with provider. BOP must approve all medical. If you have insurance provide this information and you must still get approval before going to the doctor!! . Public Law cases are responsible for assuming the cost of their medical care. If San Francisco General is unable to meet the needs of the resident, they will be referred to U.C. Medical Center, phone number (415) 476-1000. Pre-Trial cases will be referred to the appropriate medical services as directed by Pre-Trial Services.

For dental care and services, all residents will be referred to the BOP approved provider. Request must go through your case manager for all dental care. **BOP prerelease inmates can NOT apply for county benefits or medi-cal. They can apply for California Care prior to their release but can not receive benefits until after their release.**

In the event that you have a grievance or complaint regarding healthcare, file an In-House Grievance form and submit it to the Director. If your complaint is with a local medical provider, call the Medical Board of California at (800) 633-2322.

Residents may not participate in medical, pharmaceutical or cosmetic experiments. This does not rule out individual treatment of the Resident based on their need for a specific medical procedure that is not generally available.

## MEDICATION

Residents are required to present all medications to staff when they enter the program or upon receiving new medications. Medications that will not show up on a routine urinalysis (UA) test will be approved and returned. Those that will result in a positive UA test will be kept in the office and monitored by staff. Medication will be available to the resident 24-hours a day and distributed according to the prescription directions. BOP inmates- Medication will be paid for by BOP. Speak to your CM asap regarding your prescriptions. It must be approved by BOP so allow for the time it takes.

All psychotropic medications will also be stored in the control office.

## **SUBSTANCE ABUSE TESTING**

Urinalysis testing will take place on an unscheduled basis for all residents. All residents who have a condition of drug aftercare, a known history of drug abuse or are suspected of illegal drug use shall provide urine samples at a minimum of four times per month. All staff have been trained in methods in the collection, documentation and mailing of urine samples, and are authorized to do this testing. Staff may request a urine test from any resident at any time they suspect the possible use of any type of drugs.

If a resident is required to give a urine sample, and does not produce a test within **two** hours, it may be considered a stall, and disciplinary action may be taken against the resident. If unable to provide in 2 hours it is considered a refusal. If a resident refuse to give either a urine or breath test, it is treated as a positive test!

The Taylor Street Facility utilizes Breathalyzer tests. All BOP residents will be required to test every time they return to the Facility. Any time staff feel a resident has been using alcohol, a test will be administered. Positive results from either the urinalysis or breath tests will be used by staff in disciplinary actions.

If drug usage is confirmed by the laboratory, the resident will either be returned to close custody or dismissed from the program, dependent on placement status. If alcohol use is confirmed, disciplinary action will be taken. At the minimum, a one-month restriction to the facility will result. Additional sanctions may well be imposed. Any subsequent positive test for alcohol will result in return to close custody or dismissal from the program, dependent on placement status.

## **DISCIPLINARY ACTION**

If any of the facility rules and regulations found in this handbook, or if any prohibited acts found listed in the following pages are disregarded, a formal incident report may be written by any staff member. An investigation of the charges and a hearing will follow, within required time limits.

GEO Reentry Services uses an informal disciplinary system to deal with minor infractions. This informal report will be forwarded to the BOP or but will be handled internally by Geo Staff. If an informal resolution can not be made staff can make formal.

## **RESIDENT GRIEVANCE PROCEDURES**

**Informal:** Grievance forms are available at the Front Desk for all minor grievances. This will be handled by the Facility Director or Program Manager. All grievances should be heard first by the appropriate supervisor. If resolution did not occur compete an informal grievance from. This will be resolved by the facility administrator. If it remains unresolved a formal grievance can be filed.

**Formal:** If a BOP resident feels that they were treated unfairly by staff, or have received unfair and/or inordinate punishment, they may appeal through the Bureau of Prisons Administrative Remedy Procedures. These are posted in the facility for resident review.

### **Minor Sanctions**

For Minor Sanctions imposed by the Facility, the BOP resident may appeal to the CCM office. If dissatisfied with the response, the resident may appeal to the BOP Regional Director. If the resident still fails to find a resolution, they may further appeal to the General Counsel in Washington, D.C. The General Counsel is the final level of appeal in the BOP. Please review the Bureau of Prisons Administrative Remedy Procedures for appropriate filing timeframes and required BOP forms.

CDCR will utilize 602 to grieve

### **Major Sanctions**

If a BOP resident chooses to appeal a Major Disciplinary Sanction, the resident may do so by appealing directly to the Regional Director. This must be done within 20 calendar days of receiving written notification of the sanctions imposed by the Direct Hearing Officer. Further appeal may be made to the General Counsel if dissatisfied with the Regional Director's decision.

### **Grievances - Programmatic**

If a resident believes a programmatic issue to be unfair or unsafe, they may attempt to find resolution in the following manner:

The resident provides a written statement to the Facility. If no resolution can be reached, the resident may appeal to the GEO Reentry Services, Inc. Division Director and then to the GEO Reentry Services, Inc. Regional Vice President in the same manner.

Residents are encouraged to attempt to resolve any grievance informally with the Facility Director before it is directed outside the facility.

### **RELIGIOUS ACTIVITIES**

It is the policy of GEO Reentry Services for all residents to be allowed to participate in religious activities.

Residents will be allowed sufficient time during the week to attend religious services. Staff will verify times of services and allow sign-out item accordingly. Prior written approval must be granted by the Case Manager to attend religious activities. Those residents on pass planning to be away from their homes to attend religious functions should inform staff of their whereabouts.

### **RECREATION ACTIVITIES**

It is the policy of Geo all residents receive time in for recreational activities. Geo has a fitness room, TV in the day room, board games in the mural room, books for recreational purposes. Passes will be considered in the community for recreational purposes, as determined by your individual plan and reintegration needs.

### **CASELOAD MEETINGS**

Each month Geo Staff will hold house caseload or Town Hall meetings. Residents are required to attend. Staff will post the scheduled date/time of meeting at least one week in advance. On occasion, unscheduled house meetings may be called to address urgent issues.

These sessions can be utilized for announcements, new policies involving residents or as an open forum for the discussion of topics directly or indirectly affecting residents of the program.

You are required to meet with your case manager weekly for the first 6 weeks and then bi weekly there after until release.

## **RESIDENT LEVEL SYSTEM**

### **Community Corrections Component (Black Out Period)**

#### **Level 1**

**All residents for their first 72 hours at the Facility.  
All Pre-Trial residents until further notice.**

**SIGN OUTS: Medical** , Programmatic (i.e., Life Skills and Substance Abuse Classes/Gainfully employed)  
ALL SIGN OUTS MUST BE PRE-APPROVED BY THE CASE MANAGER

**RESTRICTIONS: Recreation** and Visiting In-House only, No Job Search

#### **RESPONSIBILITIES:**

- Weekly Case Manager Meetings
- Weekly Substance Abuse Counseling Meetings (In-house or Community)
- Life Skills Hours
- Household Chores
- Compas assessment

## Re-Entry Component

### Level 2

**SIGN OUTS:**

Medical, Religious, Programmatic (i.e. Life Skills and Substance Abuse Classes, Job Search/Employment)

ALL SIGN OUTS MUST BE PRE-APPROVED BY THE CASE MANAGER OR JOB DEVELOPER

(Separate from Job Search, Employment or Programmatic Sign-out)

**RESTRICTIONS:**

Visiting In-House only

**DURATION:**

Minimum of Four Weeks for all BOP, and USPO residents.

**RESPONSIBILITIES:**

- Weekly Case Manager Meetings
- Weekly Substance Abuse Counseling Meetings (In-house or Community)
- Substance Abuse Education Hours
- Family/Life Skills / MRT
- Attend transitions classes
- Household Chores
- Weekly Meeting with Job Developer until Employment is Secured
- Job Contacts: 3 Per Day, 15 Per Week
- Employment Application, Pay Stubs, and Subsistence

## Re-Entry Component

**BOP residents must secure employment and be working fulltime or equivalent  
Or have an approved work waiver to earn Level 3.**

**All Other Residents earn Level 3 status  
only with USPO, or Court approval and Director approval.**

### Level 3

**SIGN OUTS:** Medical, Religious, Programmatic (i.e. Life Skills and Substance Abuse Classes, Job Search/Employment)

**ALL SIGN OUTS MUST BE PRE-APPROVED BY THE CASE MANAGER OR JOB DEVELOPER**

Access to Community for Social Passes, (i.e., Visiting with Family, NA/AA Meetings/Library/Volunteering/classes/church events, prosocial activities outlined in your Individual plan)

One Religious or Spiritual pass per week. Travel time and service time.

Approved community time with family if part of your individual plan. 4 hours max.

**DURATION: Minimum of Four Weeks**

**RESPONSIBILITIES: Continued** Responsibilities of Level 1 and Level 2 plus Establish Pass Sponsor and Location.

\*\*Must Secure Employment Prior to Placement on Level 3 or higher or have a medical waiver.

## USPO cases cannot take overnight passes.

### Level 4

#### **SIGN OUTS:**

Medical, Religious, Programmatic (i.e. Life Skills and Substance Abuse Classes, Job Search/Employment)

ALL SIGN OUTS MUST BE PRE-APPROVED BY THE CASE MANAGER OR JOB DEVELOPER

Greater Access to Community (More Visits with Family and Significant Others)

#### **WEEKEND PASS SIGN-OUTS**

##### **12 Hours or More:**

Must be approved by Case Manager and Facility/Program Manager on Pass Request Form or Community Pass Form. All pass times subject to travel and locations. Weekend passes must be at an approved pass location with your sponsor.

##### **BOP residents:**

1 <sup>st</sup> Weekend:	One 12-hour
2 <sup>nd</sup> Weekend:	One 24-hour pass
3 <sup>rd</sup> Weekend and on:	One 48-hour pass

**RESPONSIBILITIES:** Continued Responsibilities of Level 1, Level 2, and Level 3 **plus** Open **plus** Submit Budgets bi-weekly **plus** Pay Subsistence on time, if required, **plus** one family member must attend the Family Group.

BOP residents must have an approved release address. Your USPO must approve the address and Staff will do an on-site visit before full approval is given.

## **Home Confinement Component**

### **ONLY BOP RESIDENTS CAN EARN LEVEL 5**

#### **Level 5**

##### **HOME CONFINEMENT**

Residents in this program component are permitted to reside at home and work at gainful employment while continuing in official detention status at the CCC. This level is only appropriate for institution transfers.

The Case Manager may recommend approval of Home Confinement when the resident is in compliance with all program requirements and the resident has developed a release plan that has been approved by the U.S. Probation Officer. USPO or facility staff must complete a physical on site at your house prior to home confinement and have a current phone bill. Monthly phone bills must show to your case manager verifying services.

. +

##### **RELEASE PROCEDURES**

**You will be required to release between hours on 5am- 8am on the day of your release.**

Upon releasing from the center, you are required to turn in all linens and keys issued to you on your arrival. You are to **thoroughly** clean your room before you leave the facility. A charge will be made for all unreturned items.

***A minimum of Thirty days prior to your release date, you will be required to submit a formal release plan*** prepared by you and your Case Manager. This release plan will be forwarded to the Probation Officer for approval. This includes acceptable employment and place of residence. This ***plan must be firm***, and may not be changed without prior approval from the Probation Officer. It is your responsibility to have this plan confirmed with the employer and the person you will be living with before it is submitted. Errors or omissions may result in your release date being extended.

## RULES AND REGULATIONS

### SAFETY AND SANITATION

1. No electrical extension cords, heaters, hot plates, incense or candles, multi-socket plugs, personal bed linens or aerosol cans.
2. No food or cooking in rooms. Dry foods may be stored in your locker. If found eating in your room you will receive an incident report. Perishable food will be thrown away immediately.
3. Each resident shall exercise good personal hygiene and is required to keep their room and belongings in good order, beds should be made by 0800.
4. GEO will not assume responsibility for possessions owned by a resident. ***ALL PERSONAL ITEMS KEPT AT THE CENTER WILL BE AT YOUR OWN RISK.***
5. Linen and towels are provided for each resident. At the time of release, all residents will be held accountable for the initial issue of linen. Residents are ***required to clean their own linen,*** and must designate as such during orientation period.
6. A room key will be issued to each resident upon arrival. You are responsible for this key at all times, and will be held accountable for the key when released.
7. Smoking is allowed in designated areas ***ONLY.*** No smoking in resident rooms. Smoking in your room is taken seriously: you will be given a minimum of 40 hours of extra duty or terminated from the program. Possession of any green leafy substance is strictly prohibited. Any Spice found will result in an immediate request to discharge from program ad RTC .

### FACILITY CLEANLINESS AND HOUSE ASSIGNMENTS

Each resident will be given a house assignment that is to be completed on a daily basis. The assignments will be rotated, but every resident is subject to receiving an assignment at any time. Residents are expected to keep their rooms and all common areas neat and clean at all times. Failure to complete house assignments or keep these areas clean will result in disciplinary action, including loss of community time/Rec time.

### REGULATIONS FOR VISITORS

All BOP residents are encouraged to have visitors. Visiting hours are Saturdays, Sundays and Holidays 9:00AM – Noon and 1:00PM – 4:00PM. **Visiting is closed between the hours of 12:00PM–1:00PM.** Approved visitors must sign into the center upon arrival and show proper photo identification. Visiting will be restricted to the designated visiting areas

only. *Residents will be responsible for the behavior of their visitors. Children must be controlled so as not to bother other residents or guests.*

**EX-INMATES AND OTHERS UNDER COURT SUPERVISION ARE NOT AUTHORIZED TO VISIT UNDER ANY CIRCUMSTANCES.**

Visitors must be 18 years of age or accompanied by an adult. Staff at the facility reserves the right to refuse any visitor they deem inappropriate. All visitors must leave the facility by 5:00PM.

### **RESIDENT RULES OF CONDUCT AND RESIDENT AUTHORITY**

Because both men and women are accepted in the Taylor Street Facility, the following house rules apply:

1. Male residents are prohibited from entering the female rooms. Female residents are prohibited from entering the male rooms. **ANY VIOLATION OF THIS RULE WILL RESULT IN IMMEDIATE RETURN TO CUSTODY OR DISMISSAL FROM THE CENTER.**
2. All residents must be fully clothed when out of their room. You are expected to dress when outside of your room as if you were going to work: No P.J.s, No house slippers or shower shoes, No undergarments showing, No sagging, No hoods are to be worn in hallways, common space or outside veranda .
3. No displays of affection (physical contact) will be allowed.

**NO RESIDENT OR GROUP OF RESIDENTS SHALL BE PLACED IN A POSITION OF CONTROL OR AUTHORITY OVER OTHER RESIDENTS.**

### **CONTRACTUAL AGREEMENTS**

Residents may not enter into contractual agreements, **including checking accounts and credit cards**, while they are at the Facility without prior approval from the Facility Director. You cannot finance a car without permission.

Those residents interested in pursuing their previous self-employment must provide documentation, showing transfer of control of the business through power of attorney.

## SIGN-IN/SIGN-OUT PROCEDURES

Residents will be assigned a sign-in/sign-out sheet that is to be filled out each time a resident exits and returns to the Facility. All resident movement must be approved by staff each time the resident exits or returns. Destinations must be completely documented and include place to be visited, address, phone number, reason for leaving, and appropriate curfew. Excuses for lateness or granted extensions are permitted for emergencies only. Unexcused late returns will result in disciplinary action or placement on escape status. The accuracy of the sign-out sheet is the resident's responsibility. At all times, staff must be able to contact a resident at their destination. Periodic verification checks will be made.

***IF, FOR ANY REASON, A RESIDENT CANNOT RETURN TO THE CENTER ON TIME, HE/SHE MUST CALL THE CENTER STAFF. BOP requires staff initiate escape procedures within 15 minutes of any unaccountability.***

If at any time, there is a change in destination after a resident has signed out, it is the responsibility of that resident to notify staff of that change. You must bring back verification of from your outside destination at time of return.

## APPOINTMENTS

All appointments with staff and assigned groups must be kept or changed prior to the time of the appointment. Failure to keep appointments may result in disciplinary action. If you are a 3621 e your community treatment meeting cannot be changed, you are required to attend ALL CTS meetings. If they conflict with other appt CTS comes first! Medical apprt made through your CM must be kept. If you have a conflict you must cancel your doctr appr min of 24 ours prior to the appointment and notify your case manager in writing you cancelled your appt to avoid disciplinary action

FEDERAL BUREAU OF PRISONS  
Prohibited Acts (CSCs)

Note to CDC Chairman: Choice of recommended sanctions must coincide with the severity range of the infraction. Normally, the more severe infractions should carry greater penalties than those in the lower severity levels. Sanctions A, B, B. 1, C, D and F require CCM approval prior to imposition.

The Community Corrections Manager may increase the severity of sanction(s) recommended, but may not exceed the ranges specified.

More than one sanction may be imposed for a particular infraction.

**SEVERITY RANGE:**

**100 = GREATEST**

**200 = HIGH**

**300 = MODERATE**

**400 = LOW**

Aiding another person to commit any of these offenses, attempting to commit any of these offenses, and making - plans to commit any of these offenses, in all categories of severity, shall be considered the same as an omission of the offense itself.

**NOTE:** Aiding another person to commit any of these offenses, attempting to commit any of these offenses, and making plans to commit any of these offenses, in all categories of severity, shall be considered the same as a commission of the offense itself.

Duplicate prohibited act Interfering with a Staff Member in the Performance of Duties (Code 198, 298, 398, or 498), or Conduct Which Disrupts (Code 199, 299, 399, or 499), the DHO or CDC, in its findings, should indicate a specific finding of the severity level of the conduct, and a comparison to an offense (or offenses) in that severity level which the DHO or CDC finds is the most comparable.

Example: "We find the act of \_\_\_\_\_ to be of High severity, most comparable to prohibited act Engaging in a Group Demonstration."

Sanction B.I may be imposed in the Low Moderate category only where the offender committed the same low moderate prohibited act more than one time within a six-month period, except for a VCCLEA offender rated as violent or a PRLA offender.

See prohibited acts listed in Waiting/ phone room.

## EMERGENCY PLAN

### IN CASE OF FIRE OR SUSPICION OF FIRE:

1. If instructed, call 911. Give your name, the address of the facility, the nature of the problem, and answer any other questions you are asked. Allow them to hang up first.
2. Exit building in the quickest and safest manner possible.
3. Meet on the sidewalk to the right side of this building and wait for staff instruction and emergency headcount. stand in a single file line against the building. Do not block doorways of other buildings. Do not walk into the street or in the middle of the side walk. Do not smoke or eat while in line outside.

You may be asked to cross the street or walk down the block if the area around the building needs to be evacuated. The offsite emergency location is at Boedecker park across from the police station on Eddy and Jones one block away. In the event you are in the community when an emergency occurs you must report to this park. If no one is there- Go to police station and ask where we are located! If you do not follow these instructions you will be considered unaccountable.

4. In the event of a false alarm, follow staff instruction. You may be asked to remain in the facility.
5. During a fire drill if you are unable to practice these procedures the drill will be conducted again. This may lead to disciplinary action This means drills will occur daily until the population can follow these rules. It is unsafe for the rest of the residents and staff to evacuate the building without conforming to these rules.

There is absolutely no eating smoking or talking during the evacuation. treat all and any evacuation like the real drill. Do not think this is only a drill! Your cooperation is imperative for everyone's safety and the ability to remain providing services to you in the event there is an emergency.

### IN CASE OF EARTHQUAKE:

Remain inside the building. Seek protection from flying debris under a heavy desk or table, or brace yourself against a doorway. Stay clear of windows.

**AFTER THE EARTHQUAKE:**

1. Follow staff instructions.
2. Do not use candles, matches, or other open flames, or turn light switches on and off.
3. Turn on radio or TV to receive emergency information and instruction. Telephones should be used only for emergency purposes.

**IF BUILDING IS DEEMED UNSAFE:**

Proceed with staff to a safe location as close to the facility as possible. Our secondary site is Boedecker park on Eddy st. One block down on Turk st- left on Eddy – across from police station. If we are unable to remain at 111 Taylor st an emergency building will be utilized with the help of Red Cross.

**IN CASE OF SEVERE WINDS OR WEATHER CONDITIONS:**

1. Stay indoors and away from windows.
2. If wind or weather is extremely severe, proceed to the basement with staff or go into the bathroom with your pillows and blankets if instructed.
3. Follow staff instructions.
4. Turn on radio or TV to receive emergency information and instructions.

**IN CASE OF ELECTRICAL OUTAGE:** you will be instructed to shelter in in your room. Breakfast and lunch will be served in your room, follow instructions for dinner service. No candles may be used. If you are awake you may keep your door open. Listen for staff for instructions.

# **EXHIBIT 5**

## **GEO GROUP INC. PROGRAM RULES AND REGULATIONS**



## MEMORANDUM Case Management/Job Orientation

Taylor Street Center  
111 Taylor Street  
San Francisco, CA 94102

[www.geogroup.com](http://www.geogroup.com)

To: All Residents

### **RE: PROGRAM RULES AND REGULATIONS**

Handbook- If one has not already been received one will be provided at the time of orientation.

Address/Phone Number: 111 Taylor Street San Francisco, CA, 94102  
(415) 346-9769

Meal Times are posted next to the kitchen. A Sack Lunch can be requested before sign-out.

You Must Attend Job Developer/Substance Abuse/Case Manager Meetings-Times and Locations will be confirmed.

You Must Have Permission to Drive or Ride in Any Vehicle see your Case Manager for Details.

**Accountability-** Personal Accountability is expected at all times: RRC, community, pass and furlough. All destinations must be verified. **Verification must be turned in when you return to facility.**

You Must Have Permission to go to every location. Failure to have permission will result in an incident report. Don't deviate from your DAR. **Failure to return on time can result in an incident report for escape.** If you are **unaccountable** for **15 minutes** after your schedule return time escape process will be initiated and you may be charged with ESCAPE! If you are running late be sure to call the front desk!!

Recreation (REC) Is one hour. Close to the center. No bus rides or driving.

Residents are only allowed in assigned rooms only.

Evacuations- Fire Drill/ Emergency Evacuations- If anyone is saying "fire, fire drill etc." immediately come to the lobby and receive directions regarding exits and meeting places.

Program Opportunities- Available in house: Life Skills classes, job seeker groups, relapse prevention, independent studies, mental health and substance abuse counseling.

Challenges and Resources- Re-entry can be challenging. Available community resources include medical, dental, psychological/psychiatric care, GED, education and computer lab training and community employment resources.



Suicide Prevention- Support is available upon request as well as in life skills classes that are offered two times a month.

**Driving- Approval is needed to drive or be transported in a vehicle by another individual.**

**You must keep your hands to yourself at all times. Horseplay will not be tolerated.**

**KEEP YOUR UNDERWEAR COVERED** this means NO sagging, no undershirts, or bra straps showing.

**You must gain permission from staff to enter any office, go to monitor station first! Do not knock on closed doors. (ESPECIALLY AT STAFF AREAS)**

**Drinking/Drugs/Poppyseeds/Salvia-** No alcoholic beverages or alcohol in hygiene products or medical products, no drugs without prescriptions. No green leafy substances are allowed in the facility.

**Cell Phones-** WILL ONLY BE USED OUTSIDE OR IN YOUR ROOMS. Before you can have a phone you must complete the request form with your case manager. Case manager will then check your file and confirm you can have a phone. **Laptop/Computer/Tablet requires BOP approval. No Play Stations or XBOX are allowed.**

All RESIDENTS MUST WASH AND DRY ALL CLOTHES AND PUT AWAY NEATLY. Laundry rooms will be closed at 10pm.

KHW 9-4-2020

Resident Initials and Date

A handwritten signature in black ink, appearing to read "John H. [unclear]".

Staff Signature and Date



## **ALL RESIDENTS MUST ATTEND**

- 1) All mandatory Life Skills Classes must be completed in your first 30 days:
  - Cultural Diversity
  - Domestic Violence Prevention
  - Financial Management
  - HIV/Hepatitis Prevention
  - Mental Health/Suicide Prevention
  - Parenting / Relationships
  - Victim Awareness
  - Suicide Prevention
  - Women's Group.
- 2) All after Care Meetings and Sessions. You will not be returned to custody if you miss a day of work, but you can be returned to custody if you miss treatment!
- 3) All weekly meetings with your assigned case manager.
- 4) Weekly Job Developer Workshops, until fully Programming (40 hours a week.)
- 5) During the first 3 days residents must have the following orientations:
  - 1) Case Manager / Job Developer Orientation
  - 2) Substance Abuse Counselor Orientation.

I, Keith Washington have read and understand the following conditions about

KHW 2020

Resident Initials and Date



## Urinalysis Procedures/Prohibited Use of Certain Items

**Urinalysis Procedures-** Residents are responsible for providing Urinalysis (UA) to staff. Staff will inform the resident when they are to provide a UA. Residents must provide a UA within a two hour time limit. Failure to do so will result in an incident report.

**Residents are not permitted to leave sight of Staff once Staff request UA. You will sit in the observation area until Staff collects specimen. If you leave for any reason that will result in a refusal.**

### **Types of UA Incident Reports:**

- 1) Failure to provide a UA within the two hour time limit will result in an incident report citing the resident for Prohibited act of refusing to provide a Urine Sample.
- 2) Dilute (20-10) 1st time will be a warning and multiple UA testing.
  - Under 10 is abnormal.
  - Under 2 is adulteration
- 3) Refusal.

All of these will result in Violation of Code 110: Refusing to Provide a UA sample or take part in other drug abuse testing.

## Prohibited Items for Consumption:

**Poppy Seeds-** Residents are not to consume any item containing poppy seeds. It has been determined that poppy seeds can cause a positive UA.

**Unauthorized Medications-** All medications -- prescriptions or over the counter — must have staff approval. Staff will label the medication once it has been approved.

- Inhalers- Cannot be used unless prescribed by a doctor.

**Alcohol-** Consumption of alcohol is prohibited. I am aware that I cannot and will not consume alcohol while at the RRC. It is my responsibility to be aware of the contents of the products that I am using; for example hygiene products, food, beverages, and medications.

**Any Green Leafy Substance** is strictly prohibited. This includes marijuana and any synthetic cannabis such as spice, salvia, sage etc.

**Any Spice incidents will result to a return to custody or termination.**

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## Community Based Program Agreement Form

I, Keith Washington Reg# 34441-Q3, Hereby authorize employees of the Department of Justice and employees of any facility contracting with the Department of Justice to release any or all of the contents of information in my inmate central file to educational facilities, social agencies, volunteer agencies and employment agencies for the purpose of assisting in all phases of community programming and release planning. I also authorize the above persons to advise prospective employers that I am currently in the custody of the U.S. Attorney General, serving a sentence or under the supervision of the U.S. Parole Commission or U.S. Probation Office. This will remain in effect until I release from supervision.

I understand that while a resident of a Residential Reentry Center or work release program I will be expected to contribute to the cost of my residence through payments to the contractor and I agree to make such payments. I understand that failure to make payments may result in my removal from a community based program. (Not applicable for MINT referrals).

I understand that urinalysis or other Bureau of Prisons authorized testing to detect unauthorized drug or alcohol use may be required as a condition of residence in a Residential Reentry Center or work release program and, if required, I agree to submit to such testing. I understand that ingestion of poppy seed products may result in a positive test result for unauthorized drug use and is therefore prohibited.

Upon arrival at the RRC I understand that I will be placed on restriction until I have received all 3 of my orientations unless authorized to leave for employment, school or any authorized program.

I understand that I am expected to report to my Case Manager all my health care needs while a Resident of a community-based correctional program. I understand that medical surgeries must be authorized by the Bureau of Prisons.

I understand that I may be required to undergo substance abuse assessment, and participate in any treatment recommended as a result of the assessment. I understand that my work schedule must revolve around my treatment schedule.

I understand may be required to abide by conditions of supervision as imposed by the sentencing court of the U.S. Parole Commission, including payments of fines and restitution and to follow all instructions of the Probation Office as if on supervision.

I understand that upon arrival at the Residential Reentry Center I may be initially placed in the restrictive community corrections component for a period of orientation. In this component I will be expected to remain at the RRC unless authorized to leave for employment or other authorized program purposes. Additionally, I understand that social visits and recreational/leisure activities will be confined to the RRC.

I understand that while a resident of a Residential Reentry Center or work release program I will be required to abide by the rules and regulations promulgated by such program.



For Mint referrals, I understand that I am expected to assume financial responsibilities for my child's care, medical and subsistence while I am at the RRC. Should I or the foster care provider be unable or unwilling to bear my child's financial cost, I understand that I may be transferred back to my parent institution. I understand that the Bureau of Prisons will provide no financial support to my child.

In the event that I am approved for home confinement, I agree to abide by the following conditions related to my legal participation in home confinement. I understand that participation in home confinement will be an alternative to placement in an RRC for no more than the last six months or 10% of my sentence, whichever is less. I am aware that I will legally remain in the custody of the Bureau of Prisons or the U.S. Attorney General and that failure to remain at the required locations may result in disciplinary action and/or prosecution for escape. I agree to report to my assigned Probation Officer or the contractor's facility immediately upon reaching my assigned destination. I agree that, during the home confinement period I will remain at my place of residence except for employment, unless I am given permission to do otherwise. I also agree to maintain a phone at my place of residence without call forwarding, call waiting, modem, caller ID, or portable cordless phone for this period. I also agree that, if my confinement is to be electronically monitored, I will wear any electronic monitoring device required, follow procedures specified and not have call forwarding on my telephone.

I understand that if I decline to participate in a recommended home confinement program I may face administrative reassignment out of the Community Corrections Program.

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## Medical Care and Universal Precautions

I understand BOP will assume financial responsibility for my healthcare while a Resident at the Geo Reentry Services Residential Reentry Center.

In an emergency situation Pre-Release Residents will be immediately referred to San Francisco General Hospital (SFGH) by ambulance, staff are not authorized to transport residents. The Facility Director and Residential Reentry Manager must be notified as soon as possible. For Public Law and Pre Trial Residents the Pretrial or Probation officer will be notified.

In non-emergency situations, when a Pre Release Resident needs a routine treatment, the Resident will notify their Case Manager who will submit a request to BOP for prior approval. If approved, an appointment will be made at Marin City Health and Wellness Center. For Public Law Residents no prior approval from the BOP is required. The resident is responsible for assuming the cost of medical and dental care.

If San Francisco General cannot meet the needs of a Resident they will be referred to the University of California San Francisco Medical Center or other hospital. If I require medical care, I agree to release my medical records to Geo Reentry, and/or Bureau of Prisons.

All medications that are brought back to the facility need to be checked in at the monitor station in order to be approved. If the medication is approved and tagged with blue sticker you will be able take it to your room. If the medication is labeled red "Hot Med" it will be stored at the monitor station. This is where you will have to go to take a dose of your medication.

**Universal Precautions-** This is the concept that every person you come in contact with is considered potentially infectious with HIV, Hepatitis B or C, TB and other communicable diseases. To protect yourselves follow the following procedures listed below.

### **Ways You Can Protect Yourself**

- Wash hands for 30 seconds in hot soapy water
- Wash and cover all cuts and scratches until they heal.
- Avoid contact with other people's bodily fluids (blood, urine, etc.).
- Clean all living areas regularly, including toilets and showers to prevent exposure to contaminated surfaces.
- Use a broom or tongs to retrieve broken glass or other sharp or possibly infected materials.
- Notify staff immediately of any injury or unsafe condition.

Your Case Manager can assist if you would like further resources.

I understand the Medical and Health Services, and the Universal Precautions.

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Resident Initials and Date



## Subsistence Payments/Government Assistance

Subsistence – (Rent) must be paid within 48 hours of receiving your paycheck.

All Subsistence payments must be paid in MONEY ORDERS or CASHIER'S CHECKS ONLY! YOU MUST BRING A COPY OF YOUR PAYSTUB THAT SHOWS HOURS, DATES OF THE PAY PERIOD, DEDUCTIONS, GROSS AND NET PAY.

**The Subsistence payment amount is 25% of your Gross Pay before taxes. You will drop the change and pay the dollar amount. IF YOU TURN IN THE WRONG AMOUNT YOU WILL HAVE TO EXCHANGE IT FOR THE CORRECT AMOUNT!!!!!!**

Subsistence is due on earnings from Social Security, Employment, Financial Aid and any other income you receive while a Geo Reentry.

Before you complain about this, remember 25% pays for our rent, utilities, garbage services, case management, job services etc.

I understand that I am prohibited from incurring any kind of continuing debt or entering into any purchase agreements involving periodic payments, lease agreements, credit cards, checking accounts, deferred payment purchases or cosigning for purchases with another individual. I understand that I will be required to establish a budget to be reviewed by my case manager.

## Government Assistance

- It has been determined by San Francisco County of Adult Assistance Programs that Residents at Geo Reentry 111 Taylor Street have their essential needs met. Therefore I cannot receive Employment Services (PAES).
- I understand I **cannot** apply for any government assistance including **SSI, General Assistant or Medi-Cal**.
- I understand I **cannot** apply for **EBT** (Electronic Benefit Transfer) CALFresh Food Stamps,
- Residents on Public Law or Pretrial Status may be eligible for Social Security

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Resident Initials and Date



## Process of Disciplinary Action and Acknowledgment

- A. Decision Making - Good Choices lead to positive outcomes
- B. Disciplinary action starts when staff becomes aware of the incident and prepares an incident report. A copy will be given to the facility director.
- C. Notice of the charges will be given to the resident within 24 hours of the incident.
- D. An investigation will be conducted within 24 hours
- E. The Disciplinary Committee will conduct a hearing within 72 hours. At that time recommendations of sanctions will be made to the Residential Reentry Manager or Probation Officer.
- F. Appeal Procedures- I understand that I have 30 calendar days from the date in which the disciplinary action was imposed. An administrative remedy form must be submitted with the appeal.

Staff may suspend disciplinary proceedings for a period not to exceed two weeks while informal resolution is attempted. If informal resolution is unsuccessful, staff may reinstate disciplinary proceedings at the same stage at which they were suspended.

I have been advised of the disciplinary Processes at Geo Reentry which includes information on my rights and responsibilities, prohibited acts of the facility, types of disciplinary actions that can be imposed against me if I should be found guilty of any prohibited act.

KHW 9-1-2020

Resident Initials and Date



## Disposition of Personal Property

I understand in the event that I am returned to custody my personal belongings will be inventoried and placed in storage for 90 days. I, or the persons listed below, are responsible for retrieving my property within 90 days. Otherwise my property will be considered voluntarily abandoned and will either be thrown out or donated. If I abscond or escape my property will be considered abandoned immediately. (So take your property with you.)

Name Tracy Brown

Address 1520 Branham Lane, #67 San Jose, CA 95118

Phone Numbers (707) 601-2901

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Numbers \_\_\_\_\_

I, K. Washington, Register# 34481-031, relieve Geo Reentry of any and all responsibility for my personal possessions. I understand that it is my responsibility to secure any belongings that I bring into the facility. I also understand that I am living in a community environment and I bring possessions into the facility at my own risk. It is required that I lock my room whenever it is left vacant. Geo Reentry **does not take any responsibility for any property brought into the facility. Make sure you use your locker. Ask your Case Manager or the Chief of Security for a lock for your locker.**

KNW 9-4-2020

Resident Initials and Date



## Facility Boundaries

Residents are not allowed to loiter in the lobby area. Residents are only allowed in the lobby when arriving at the facility, in passing, or when requesting to speak to a staff member. **At no time can food or items be delivered, dropped off, or brought in by visitors or family.**

Residents are restricted to their own room, dining area, visiting area, laundry room, classrooms (only when class is in session), and to the places listed on their DAR's. If a resident is found in any other area they will receive disciplinary action.

The DAR or Daily Accountability Report is to be used when you go into the community. The DAR is used to monitor your locations while in the community. All DAR's are to be submitted 48 hours in advance of you leaving the facility. Residents who do not have their DAR's completed will not be allowed to leave the facility.

All DAR's are to be given to your Case Manager for approval, I know that am only permitted to go to places listed on my DAR. Any deviation from my DAR/Schedule is considered unaccountability and disciplinary action will follow.

If you are **unaccountable** for **15 minutes** escape process will be initiated and you may be charged with ESCAPE! If you are running late be sure to call the front desk!!

**Front Desk # (415) 346-9769, press 0. You must speak to a live person!!! Keep Calling BACK.**

KHW    9-4-2020

Resident Initials and Date



## Your Rights and Your Responsibilities

<u>Rights</u>	<u>RESPONSIBILITIES</u>
<p>1) You have the right to be treated respectfully, impartially and fairly by all personnel.</p> <p>2) You have the right to be informed of the rules, procedures and schedules concerning the operation of the facility.</p> <p>3) You have the right to freedom of religious affiliation and voluntary religious worship.</p> <p>4) You have the right to healthcare which includes nutritious meals, proper bedding and clothing, a laundry schedule for cleanliness of the same, an opportunity to shower regularly, proper ventilation for fresh air, a regular exercise period, toilet articles and access to medical and dental treatment.</p> <p>5) You have the right to visit and correspond with family members and friends, and corresponding with members of the media keeping within the facility rules.</p> <p>6) You have the right to unrestricted and confidential access to the court by correspondence (on matters such as the legality of your conviction, civil matters, pending criminal charges and conditions of your placement).</p> <p>7) You have the right to access legal counsel of your choice, to interview and correspond with counsel.</p> <p>8) You have the right to reasonable access to library materials to assist you with legal matters. You also have the right to pursue services from a legal assistance program.</p> <p>9) You have the right to reading material for educational and for your own enjoyment. This is to include magazines or newspapers sent from the community with certain restrictions.</p> <p>10) You have the right to participate in educational/vocational and employment programs that will help you live a better and successful law abiding life. Staying within the facility rules and regulations.</p>	<p>1) You have the responsibility to treat others (staff and other residents) with respect.</p> <p>2) You have the responsibility to know the rules and abide by them.</p> <p>3) You have the responsibility to recognize and respect the rights of others.</p> <p>4) It is your responsibility to not waste food, maintain neat and clean living quarters, and to seek medical and dental care as needed.</p> <p>5) It is your responsibility to conduct yourself properly during visits, not accept or pass contraband, and not to violate the law through your correspondence.</p> <p>6) You have the responsibility to present, honestly and fairly, your petitions, questions and problems to the courts.</p> <p>7) It is your responsibility to use services of an attorney properly and fairly.</p> <p>8) It is your responsibility to utilize the library materials/resources in keeping with the procedures and schedules prescribed and to respect the rights of other residents to use these.</p> <p>9) It is your responsibility to take advantage of activities that may help you live a successful law abiding life within the facility and the community. You will be expected to abide by the regulations governing the use of such activities.</p>

KHW 9-4-2020

Resident Initials and Date



## Sexual Abuse/Assault Prevention

### What is Sexual Harassment?

- Sexual Harassment is any unwelcome sexual advances, request for sexual favors, and any verbal conduct of a sexual nature.

### What is Inmate on Inmate Sexual Abuse or Assault?

- When one or more inmates engage in or attempts to engage in a sexual act with another inmate. This includes using threats, intimidation, inappropriate touching or other actions and/or other use of communications by one inmate aimed at coercing and/or pressuring another inmate to engage in a sexual act.

### What is Staff on Inmate Sexual abuse and Assault?

- Engaging in or attempting to engage in a sexual act with any inmate or the intentional touching of the inmate's genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, to humiliate, harass, degrade, arouse or gratify the sexual desire of any person.

### **THE RIGHT TO BE SAFE FROM SEXUAL ASSAULT/ABUSE AND HARASSMENT IS GUARANTEED BY POLICY AND FEDERAL LAW**

### What is Inappropriate Staff Conduct?

- Making sexually suggestive comments or gestures, or engaging in physical conduct of sexual nature with an inmate.
- Influencing, promising, or threatening an inmate's safety, custody, privacy, housing privileges, work detail or program status in exchange for sexual favors.
- Spending an inordinate amount of time with or seeking out a certain inmate to discuss personal issues.
- Even if an inmate wants to be involved with a staff member it is never appropriate!

### **THERE IS NO SUCH THING AS CONSENSUAL SEX BETWEEN A STAFF AND AN INMATE!**

### What Can You Do To Avoid Sexual Abuse/Assault?

- Trust your instincts- If you sense a situation may be dangerous it probably is.
- Do not accept gifts or favors from others. Most gifts or favors come with strings attached.
- Do not accept an offer from another inmate to be your protector.
- Be direct and firm if someone asks you do something that you don't want to do. Don't send mixed messages regarding your wishes for sexual activity.
- Don't joke about or make sexually suggestive comments to others.
- Choose who you hang out with. Look at others who are programming in a positive manner.



**WHAT DO YOU DO IF YOU ARE SEXUALLY ASSAULTED?**

If you are the victim of a sexual assault, report it to staff IMMEDIATELY. Staff will ensure immediate protection from the assailant. You do not have to mention the other inmate(s) or staff member to receive protection but specific information will help make it easier for staff to help you.

Although you may wish to clean up after an assault, it is very important to obtain a medical examination and clinical assessment. A medical exam will include a pelvic and rectal exam to obtain samples or document the existence of physical evidence of the assault such as hair, fibers, bodily fluids and abrasions. This evidence may be crucial in corroborating the assault and identifying the assailant. You will also be checked for Sexual Transmitted Diseases.

**DO NOT-** Shower, eat or drink, or change clothes. However you may bring a change of clothes to the hospital but only change when that is approved.

**INDIVIDUALS WHO ABUSE/ASSAULT CANNOT BE DISCIPLINED OR PROSECUTED IF  
THE ABUSE IS NOT REPORTED.**

If you have been a victim of sexual abuse or assault by another inmate or staff member you are entitled to seek counseling and/or advise a psychologist. Crisis counseling, coping skills, suicide prevention and mental health counseling are all available to you.

In addition to reporting sexual assault/abuse to staff, you may take the following actions:

- 1) Writing to the Director of the Bureau of Prisons
- 2) File an Administrative Remedy (BP9)
- 3) Address:
  - Office of Inspector General
  - P.O. Box 27606
  - Washington D.C. 20530

Once the misconduct is reported, the BOP and other appropriate law enforcement agencies will conduct an investigation. The purpose of the investigation is to determine the nature of the extent of the misconduct. You may be asked to give a statement during the investigation. If criminal charges are filed, you may be asked to testify during the trial. You will be protected from the assailant by facility staff, Bureau of Prisons and Law Enforcement personnel..

**YOU HAVE THE RIGHT TO BE SAFE FROM SEXUAL ABUSE AND ASSAULT**

KHW 9-4-2020

Resident Initials and Date



## **Conditions of Employment and Job Searching Requirements**

I understand that following my orientation I will have 30 days to secure 40 hours of work, school, vocational training, education or combination thereof. I understand I will be required to be paid on a standard paycheck that shows hours worked, pay received and all tax deductions. I must earn at least minimum wage. I can't volunteer 40 hours a week. I must have at least one complete day off in a seven day week. If after 30 days I do not have full time work or other approved program I will be required to volunteer 20 hours a week in the community. Once I have started volunteer work I will be able to resume part time job search. I must secure all working documents before I can job search including California ID/Social Security Card.

- 1) I will be expected to complete at least three employment contacts a day. Failure to do so may result in loss of community time.
- 2) Job search is between 6am and 6pm but no more than 8 hours a day. For work purposes including travel time I will not exceed 12 hours a day, or 72 hours per week (Unless approved by the facility director, BOP, Probation, and/or Pre Trial). Maximum work hours per work week are 72 hours.
- 3) I understand that I must submit from all my contacts at the time I return to the facility. Verification can be a rubber stamp, application or brochures. Plain signature is not considered an acceptable form of verification.
- 4) I will attend Job Skills Workshops as instructed by my Case Manager or Job Developer until I either secure full time verifiable employment or equivalent.

## **All Eastern District Residents**

All Eastern District Residents wanting to Job Search in their district must:

- 1) Be in the facility for 30 days and complete all required life skill classes.
- 2) Must be eligible for home confinement and have an approved Release Address.
- 3) Have no accountability issues on any kind, and must be in complete compliance with all Geo Reentry rules and regulations.
- 4) Have no unauthorized cell phone and have all necessary work documents ID, social security card and a resume.
- 5) Secured employment or its equivalent to programming 40 hours a week in the Northern District.

All requests are handled on a case by case basis by your case manager and Director of the facility



## Driving Privileges

**It is a violation to drive a vehicle and/or ride in a vehicle without authorization!!!!**

In order to drive a vehicle registered in your name you must submit the following documents.

- Valid form of insurance and registration showing expiration date that confirms you are insured to drive the vehicle.
- DMV printout showing your driving record. And you must show your valid Driver's License to your case manager.

To drive a Vehicle not registered in your name you must provide everything listed above as well as a signed, notarized, letter from the owner giving explicit permission to drive that car. The letter must include the following:

- Year, Make and Model of the Vehicle
- The color of the vehicle
- Vin# of the vehicle
- Time period in which you are approved to drive that car

For all persons wanting to drive for work purposes you will need the following:

- 1) Letter on company letterhead stating that part of your duties for work will include driving.
- 2) Insurance for each work vehicle that you will be driving
- 3) Registration for each work vehicles you will be driving.
- 4) DMV printout with showing your driving record. And you must show your valid Driver's License to your case manager.

Once all the required information is turned in to your Case Manager, they will conduct an inspection of the vehicle and will then complete an "Authorization to Operate a Motor Vehicle Form" which will need your signature. Your request will then be forwarded to the facility director or designee who will approve or deny your request based on your need to drive a motor vehicle.

**Note: For Cell Phones, Every Resident must fill out a cell phone form which will be given to you by your case manager. Approved cell phones can only be used outside in the smoking area or upstairs in your room.**

KHW 9-4-2020

Resident Initials and Date



## Resident Orientation Checklist

I have received information regarding the Following:

### FACILITY RULES

1. Geo Reentry Resident Handbook
2. Resident's Paperwork to be completed
3. Geo Reentry's Telephone Number and Address
4. Driving Privileges (Work / Personal)
5. Mealtimes
6. Meetings with Job Developer/Substance Abuse Counselor
7. Medications
8. Disciplinary System
9. Universal Precautions
10. Sexual Abuse/Assault Intervention Program
11. Human Immunodeficiency Virus (HIV)
12. Hepatitis B & C Prevention Program
13. Suicide Prevention Program
14. Hazardous Materials Safety Program
15. Weekly Meetings
16. AA, NA and other meetings
17. Recreation Times
18. Facility Safety and Sanitation Standards
19. House Chores
20. Residents and Assigned Room Only
21. Fire Drills/Emergency Evacuation Procedures
22. Staff Schedule
23. Program Opportunities
24. No Drinking, No Drugs, No Poppy Seeds
25. Requirements for Urine Surveillance and Testing
26. A copy of the life skills classes/job groups and locations
27. Decision Making & Consequences of Decision Making

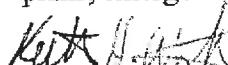
### ACCOUNTABILITY

28. Decision-making and Consequences of Decisions
29. Personal Accountability
30. Personal Management of Challenges During RRC Residency
31. Resource Person(s) in the Facility
32. Consequences of Escape
33. Sign-in / Sign-out Procedures
34. Pass and Furlough Procedures
35. Component Assignment
36. Appropriate Behavior in the Community and RRC

I have received on this date 9-4-2020 an Orientation from GEO Reentry Staff.

I have had a chance to ask questions of staff concerning the handbook and this orientation and the rules and regulations of the Geo Reentry Program.

I have been informed of the Medical and Medication procedure, and medical back up plans, emergency plans and evacuation procedures.

 Keith H. Hiltz 9-4-2020

Resident Signature / Date

 C. S. 9/4/20

Staff Signature / Date



### RELEASE OF CONFIDENTIAL INFORMATION

"This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal regulations [42 CFR Part 2] prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for this release of medical or other information is not sufficient for this purpose."

I hereby consent to the release of information regarding my medical condition and any medical treatment needs by the Bureau of Prisons staff, by and to U.S. Probation, the Parole Commission, the Geo Reentry Taylor Street Center, the Immigration and Naturalization Services, San Francisco General Hospital, Saint Francis Hospital, UCSF Medical Center.

In the event of emergency medical, urgent care or in the instance of hospitalization, I hereby consent to the release of information regarding my medical condition and my medical treatment needs to the Bureau of Prisons staff and to the Geo Reentry Taylor Street Center staff.

Resident's Name Printed	<u>Keith H. Washington</u>	<u>Keith H. Washington</u>	34481-037
			9-4-2020
Staff Witness's Name Printed	<u>BELIEF INTEGRITY</u>	<u>CHW</u>	9/4/20

In the event of disciplinary action or return to close custody, I hereby consent CHW or Do not consent \_\_\_\_\_ to the release of information regarding my case including information regarding events that resulted in disciplinary actions or return to close custody to the below listed individuals.

Fiancee =	<u>Tracy Brown, 1520 Branham Lane, #62 San Jose, CA 95118 (707) 601-2901</u>
employee =	<u>Mary Ratcliff, 4917 Third St. San Francisco, CA 94124 (415) 671-0787</u>

Resident's Name Printed	<u>Keith H. Washington</u>	<u>Keith H. Washington</u>	34481-037
			9-4-2020
Staff Witness's Name Printed	<u>BELIEF INTEGRITY</u>	<u>CHW</u>	9/4/20

This consent to release information will expire upon the completion of my custody with the Federal Bureau of Prisons. This consent remains in effect unless and until there is a formal and effective termination of my custody, and may thereafter be revoked by me in writing at any time.



**WHAT DO YOU DO IF YOU ARE SEXUALLY ASSAULTED?**

If you are the victim of a sexual assault, report it to staff IMMEDIATELY. Staff will ensure immediate protection from the assailant. You do not have to mention the other inmate(s) or staff member to receive protection but specific information will help make it easier for staff to help you.

Although you may wish to clean up after an assault, it is very important to first obtain a medical examination and clinical assessment. A medical exam will include a pelvic and rectal exam to obtain samples or document the existence of physical evidence of the assault such as hair, fibers, bodily fluids and abrasions. This evidence may be crucial in corroborating the assault and identifying the assailant. You will also be checked for Sexual Transmitted Diseases.

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If you have been a victim of sexual abuse or assault by another inmate or a member you are entitled to seek counseling and/or advice from a psychologist. Crisis counseling, coping skills, suicide prevention and mental health counseling are all available to you.

In addition to reporting sexual assault/abuse to staff, you may take the following actions:

- 4) Writing to the Director of the Bureau of Prisons
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Once the misconduct is reported, the BOP and other appropriate law enforcement agencies will conduct an investigation. The purpose of the investigation is to determine the nature of the extent of the misconduct. You may be asked to give a statement during the investigation. If criminal charges are filed, you may be asked to testify during the trial. You will be protected from the assailant by facility staff, Bureau of Prisons and Law Enforcement personnel..

**YOU HAVE THE RIGHT TO BE SAFE FROM SEXUAL ABUSE AND ASSAULT**

RHW 9-15-2020

Resident Initials and Date

# **EXHIBIT 6**

## **PROGRAM STATEMENT**

### **5270.09 INMATE DISCIPLINE**

### **PROGRAM (7/8/2011)**



**U.S. Department of Justice  
Federal Bureau of Prisons**

**C H A N G E   N O T I C E**

OPI: CPD/CPB  
NUMBER: 5270.09, CN-1  
DATE: November 18, 2020

## **Inmate Discipline Program**

/s/

*Approved:* M.D. Carvajal  
Director, Federal Bureau of Prisons

This Change Notice (CN) implements the following change to Program Statement 5270.09, **Inmate Discipline Program**, dated July 8, 2011. Additional discipline code, noted by highlighted text will be added to the program statement as follows:

**Table 1. PROHIBITED ACTS AND AVAILABLE SANCTIONS**

### **HIGH SEVERITY LEVEL PROHIBITED ACTS**

**231 Requesting, demanding, pressuring, or otherwise intentionally creating a situation, which causes an inmate to produce or display his/her own court documents for any unauthorized purpose to another inmate.**



**U.S. Department of Justice  
Federal Bureau of Prisons**

**PROGRAM STATEMENT**

OPI: CPD/CSB

NUMBER: 5270.09

DATE: July 8, 2011.

## **Inmate Discipline Program**

/s/

*Approved:* Thomas R. Kane  
Director, Federal Bureau of Prisons

### **1. PURPOSE AND SCOPE**

#### **§ 541.1 Purpose.**

**This subpart describes the Federal Bureau of Prisons' (Bureau) inmate discipline program. This program helps ensure the safety, security, and orderly operation of correctional facilities, and the protection of the public, by allowing Bureau staff to impose sanctions on inmates who commit prohibited acts. Sanctions will not be imposed in a capricious or retaliatory manner. The Bureau's inmate discipline program is authorized by 18 U.S.C. 4042(a)(3).**

#### **§ 541.2 Application.**

**This program applies to sentenced and unsentenced inmates in Bureau custody. It also applies to sentenced and unsentenced inmates designated to any prison, institution, or facility in which persons are held in custody by direction of, or under an agreement with, the Bureau of Prisons.**

This policy applies to all persons in the custody of the Federal Bureau of Prisons or Bureau contract facilities, including persons charged with or convicted of offenses against the United States; D.C. Code felony offenders; and persons held as witnesses, detainees, or otherwise. These provisions do not apply to Federal inmates designated to a non-Federal facility (e.g., inmates serving Federal sentences in state or county facilities).

**Federal Regulations from 28 Code of Federal Regulations, part 541, are shown in this type.**  
Implementing instructions are shown in this type.

## 2. SUMMARY OF CHANGES

- a. Establish Greatest and High severity level prohibited acts for sexual assault of any person. The Greatest severity level act (114) requires the use or threat of force. The High severity level act (229) is for incidents without the use or threat of force.
- b. Increase the severity level of escapes from non-secure facilities from a High to a Greatest severity level prohibited act.
- c. Amend the Code 104 to include any instrument used as a weapon.
- d. Establish a Code 115 for destroying and/or disposing of any item during a search or attempt to search.
- e. Establish a High severity level prohibited act code for escape from a work detail, a non-secure institution, or other non-secure custody, including a community facility, with subsequent voluntary return to custody within four hours.
- f. Clarify possession of a cellular telephone or other electronic communications device is a Greatest severity level prohibited act.
- g. Increase the severity level of all alcohol-related offenses from a High to a Greatest severity level prohibited act.
- h. Establish a High severity level prohibited act code for stalking.
- i. Establish a High severity level prohibited act code for possession of stolen property.
- j. Establish a Moderate severity level prohibited act code for circulating a petition.
- k. Establish a High severity level prohibited act code for refusing to participate in a required physical test or examination unrelated to testing for drug abuse (e.g., DNA, HIV, TB).
- l. Increase the severity level for tattooing and self-mutilation to a High severity level prohibited act.
- m. Establish a Moderate severity level prohibited act code for the fraudulent or deceptive completion of a skills test.
- n. Increase the severity level for conducting a business to a Moderate severity level prohibited act.
- o. Establish a Moderate severity level prohibited act code for communicating gang affiliation.

- p. Establish Greatest, High, and Moderate severity level prohibited acts for abuse of the mail.
- q. Establish a sanction of monetary fine.
- r. Remove the formal sanctions of reprimand and warning.
- s. Increase the sanction of disciplinary segregation from a range of 7 to 60 days to a range of 1 to 18 months.
- t. Change from three work days to five work days for the UDC to ordinarily conduct a review.
- u. The Special Housing Unit policy (conditions of disciplinary segregation, administrative detention, and protection cases) has been removed and guidance is provided in a separate program statement.

### **3. PRINCIPLES**

Several general principles apply to every disciplinary action:

- a. Incident reports can be written by Bureau staff, Federal Prison Industries (FPI) staff, and Public Health Service (PHS) officers detailed to the Bureau. Community Corrections Managers may take disciplinary action on inmates in contract RRC's.
- b. Staff take disciplinary action at such times and to the degree necessary to regulate an inmate's behavior within Bureau rules and institution guidelines and to promote a safe and orderly institution environment.
- c. Staff control inmate behavior in an impartial and consistent manner.
- d. Disciplinary action may not be capricious or retaliatory.
- e. Staff may not impose or allow corporal punishment of any kind.

### **4. DIRECTIVES AFFECTED**

#### **a. Directive Rescinded**

P5270.08      Inmate Discipline and Special Housing Units (12/4/09)

#### **b. Directives Referenced**

P1315.07      Inmate Legal Activities (11/5/99)  
P1330.16      Administrative Remedy Program (12/31/07)  
P1505.03      Language Translations Used in Official Documents (10/31/97)

P2000.02	Accounting Management Manual (10/15/86)
P4500.07	Trust Fund/Deposit Fund Manual (4/19/10)
P4700.05	Food Service Manual (6/12/06)
P5100.08	Inmate Security Designation and Custody Classification (9/12/06)
P5162.05	Categorization of Offenses (3/16/09)
P5180.05	Central Inmate Monitoring System (PS Only) (12/31/07)
P5180.06	Central Inmate Monitoring System (Operations Manual Only) (3/24/08)
P5212.07	Control Unit Programs (2/20/01)
P5215.05	Youth Corrections Act (YCA) Inmates and Programs (3/17/99)
P5264.08	Inmate Telephone Regulations (1/24/08)
P5265.14	Correspondence (4/5/11)
P5267.08	Visiting Regulations (5/11/06)
P5270.10	Special Housing Units (8/1/11)
P5322.12	Inmate Classification and Program Review (11/29/06)
P5360.09	Religious Beliefs and Practices (12/31/04)
P5380.08	Financial Responsibility Program, Inmate (8/15/05)
P5500.11	Correctional Services Manual (10/10/03)
P5500.12	Correctional Services Procedures Manual (10/10/03)
P5521.05	Searches of Housing Units, Inmates, and Inmate Work Areas (6/30/97)
P5580.07	Inmate Personal Property (12/28/05)
P5800.15	Correctional Systems Manual (1/1/09)
P5880.28	Sentence Computation Manual (CCCA of 1984) (7/20/99)
P5880.30	Sentence Computation Manual (Old Law, Pre-CCCA of 1984) (9/8/99)
P5880.32	Sentence Computation Manual (District of Columbia) (1/23/01)
P5884.03	Good Conduct Time Under the Prison Litigation Reform Act (3/31/06)
P7300.09	Community Corrections Manual (5/19/99)
P7331.04	Pretrial Inmates (1/31/03)

c. Rules cited in this Program Statement are contained in 28 CFR § 541.2 and §§ 541.10-23.

## 5. AGENCY ACA ACCREDITATION PROVISIONS

a. American Correctional Association 4th Edition Standards for Adult Correctional Institutions: 4-4226, 4-4227, 4-4228, 4-4229, 4-4230, 4-4231, 4-4232, 4-4233, 4-4234, 4-4235, 4-4236, 4-4237, 4-4238, 4-4239, 4-4240, 4-4241, 4-4242, 4-4243, 4-4244, 4-4245, 4-4246, 4-4247, 4-4248, 4-4255, 4-4399

b. American Correctional Association 4th Edition Performance-Based Standards for Adult Local Detention Facilities:

4-ALDF-2A-47, 4-ALDF-2A-50, 4-ALDF-3A-01, 4-ALDF-3A-02, 4-ALDF-4C-40, 4-ALDF-6C-01, 4-ALDF-6C-02, 4-ALDF-6C-03, 4-ALDF-6C-04, 4-ALDF-6C-05, 4-ALDF-6C-06, 4-ALDF-6C-07, 4-ALDF-6C-08, 4-ALDF-6C-09, 4-ALDF-6C-10, 4-ALDF-6C-11, 4-ALDF-6C-12, 4-ALDF-6C-13, 4-ALDF-6C-14, 4-ALDF-6C-15, 4-ALDF-6C-16, 4-ALDF-6C-17, and 4-

ALDF-6C-18.

## 6. INSTITUTION SUPPLEMENTS

None required.

## 7. NOTICE TO INMATE OF THE INMATE DISCIPLINE PROGRAM

Staff must give each inmate a copy of the following documents promptly after his/her arrival at an institution:

- # Summary of the Inmate Discipline System (Appendix B).
- # Inmate Rights and Responsibilities (Appendix C).
- # Prohibited Acts and Available Sanctions (Table 1).

Receipt of these documents must be noted on the intake screening form and maintained in the inmate's central file. The receipt is kept in the inmate's central file.

To the extent reasonably available, a qualified staff member or translator will help an inmate who has a language or literacy problem, in accordance with the Program Statement **Language Translations Used in Official Documents**.

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## CHAPTER 1.

### § 541.3 Prohibited acts and available sanctions.

(a) **Prohibited acts.** The list of prohibited acts are divided into four separate categories based on severity: Greatest; High; Moderate; and Low. We describe the prohibited acts in Table 1 - Prohibited Acts and Available Sanctions. Aiding, attempting, abetting, or making plans to commit any of the prohibited acts is treated the same as committing the act itself.

(b) **Available sanctions.** The list of available sanctions for committing prohibited acts is listed in Table 1 - Prohibited Acts and Available Sanctions. If you commit repetitive prohibited acts, we can impose increased sanctions, as listed in Table 2 - Additional Available Sanctions for Repeated Prohibited Acts Within the Same Severity Level.

(1) **Greatest Severity Level Offenses.** The Discipline Hearing Officer (DHO) imposes one or more of sanctions A through E. Sanction B.1 must be imposed for a VCCLEA inmate rated “violent” (an inmate who, per the Violent Crime Control and Law Enforcement Act of 1994, committed a crime of violence on or after September 13, 1994) and for a PLRA inmate (an inmate sentenced for an offense committed on or after April 26, 1996, per the Prison Litigation Reform Act). The DHO may impose any available sanctions (A through M) in addition to sanctions A through E. All Greatest severity level charges must be referred to the DHO.

(2) **High Severity Level Offenses.** The DHO imposes one or more of sanctions A through M, and, except as noted in the sanction, may also suspend one or more sanctions A through M. Sanction B.1 must be imposed for a VCCLEA inmate rated “violent” and for a PLRA inmate. All High severity level charges must be referred to the DHO.

Prohibited Act Code 225, Stalking, is for the purpose of punishing repetitive inmate behavior, e.g., loitering, staring, leering, inappropriate remarks (short of insolence, profanity, or sexual proposals), that are not clearly covered by another prohibited act code. When staff encounter such behavior, the inmate should be specifically warned that it is inappropriate and must cease. If the behavior fits another prohibited act code provision, the inmate should be charged with violating that specific provision instead of stalking. Examples of other prohibited act code behavior that may be used instead of Code 225, Stalking, include, but are not limited to Insolence (Code 312), Being in an Unauthorized Area (Code 316), Threatening (Code 203), and Making a Sexual Proposal or Threat (Code 206).

(3) **Moderate Severity Level Offenses.** The DHO imposes at least one sanction A through M, but, except as noted in the sanction, may suspend any sanction(s) imposed. Sanction B.1 ordinarily must be imposed for a VCCLEA inmate rated “violent” and for a PLRA inmate.

Except for charges referred to the DHO, the Unit Discipline Committee (UDC) shall impose at

least one sanction F through M, but may suspend any sanctions imposed.

The UDC ordinarily refers to the DHO a moderate severity level charge for a VCCLEA inmate rated “violent” or for a PLRA inmate if the inmate was found to have committed two moderate offenses during his/her current anniversary year (the 12-month period for which an inmate may be eligible to earn good conduct time [GCT]). The UDC must document the reasons why a third charge for such an inmate was not referred to the DHO.

A prohibited act charge for 331 involving tobacco or nutritional supplements must be referred to the DHO for final disposition.

(4) **Low Severity Level Offenses.** The DHO imposes at least one sanction B.1, or D through M. The DHO may suspend any sanction(s) imposed; however, a B.1 sanction may not be suspended. Except for charges referred to the DHO, the UDC imposes at least one sanction F through M, but may suspend any sanction(s) imposed.

The UDC ordinarily refers to the DHO a low severity level charge for a VCCLEA inmate rated “violent” or for a PLRA inmate if the inmate had been found to have committed three low offenses during his/her current anniversary year. The UDC must document the reasons why a charge for such an inmate was not referred to the DHO.

Sanction B.1 may be imposed on the Low severity level **only** if the inmate has committed a Low severity level prohibited act more than once within a six-month period (except for a VCCLEA inmate rated “violent” or a PLRA inmate).

(5) **All Severity Level Offenses.** In all categories of severity, **aiding** another person to commit any of these offenses, **attempting** to commit them, or **making plans** to commit them, **is considered equivalent to committing the offense itself**. In these cases, the letter “A” is combined with the offense code. For example, planning an escape is Escape, Code 102A. Attempting to adulterate food or drink is Code 209A.

When the prohibited act is **Interfering with a Staff Member in the Performance of Duties (Code 198, 298, 398 or 498) or Conduct Which Disrupts (Code 199, 299, 399, or 499)**, the DHO or UDC must specify the severity level of the conduct that is most comparable to an offense(s) at that severity level. **Example:** “I find the act of Conduct Which Disrupts (Code 299) to be of High severity level, most comparable to the prohibited act of Engaging in a Group Demonstration (Code 212).”

**Suspensions of any sanction cannot exceed six months.** Suspended sanctions may only be revoked and executed if the inmate is found to have committed a subsequent prohibited act. Only the DHO may execute, suspend, or revoke and execute suspension of sanctions A through E (B and B.1. may never be suspended). The DHO or UDC may execute, suspend, or revoke and

execute suspensions of sanctions F through M. The DHO may execute UDC-suspended

sanctions. However, the UDC may **not** execute DHO-suspended sanctions A through E.

When an inmate receives an incident report while on a DHO-imposed, but suspended sanction, the new incident report is forwarded by the UDC to the DHO, both for a final disposition on the new incident report, and for a disposition on the suspended sanction. This procedure is not necessary when the UDC informally resolves the new incident report. The DHO may return an incident report to the UDC if a decision not to execute the suspended sanction is made.

The UDC or DHO may impose increased sanctions for repeated, frequent offenses per the guidelines in Table 2.

Noting that not all UDC or DHO decisions finding an inmate committed a prohibited act will result in a change to the inmate's security designation score, the Unit Team may recommend a greater security transfer, using their professional judgment, and in accordance with the policy on Inmate Security Designation and Custody Classification.

**§ 541.4 Loss of good conduct sentence credit as a mandatory sanction.**

**(a) You will lose good conduct sentence credit as a mandatory disciplinary sanction if you are in one of the following two groups:**

**(1) VCCLAE-violent inmates.** The date of your U.S. Code offense was on or after September 13, 1994, but before April 26, 1996, and you committed a "crime of violence" as defined by the Violent Crime Control and Law Enforcement Act of 1994 (VCCLAE); or

**(2) PLRA inmates and D.C. Code offenders.** The date of your U.S. Code offense was on or after April 26, 1996, and, therefore, under the Prison Litigation Reform Act (PLRA), or the date of your District of Columbia (DC) Code offense was on or after August 5, 2000.

**(b) If you are an inmate in one of the above groups and commit a prohibited act, you will lose good conduct sentence credit as a mandatory disciplinary sanction. The amount of good conduct sentence credit you will lose depends on the severity level of the prohibited act(s) committed, as follows:**

**(1) Greatest Severity Level Offenses.** You will lose at least 41 days, or 75% of available credit if less than 54 days are available for the prorated period, for each act committed.

**(2) High Severity Level Offenses.** You will lose at least 27 days, or 50% of available credit if less than 54 days are available for the prorated period, for each act committed.

**(3) Moderate Severity Level Offenses. You will lose at least 14 days, or 25% of available credit if less than 54 days are available for the prorated period, after committing two or more Moderate severity acts during the current year of your good conduct sentence credit availability.**

**(4) Low Severity Level Offenses. You will lose at least 7 days, or 12.5% of available credit if less than 54 days are available for the prorated period, after committing three or more Low severity acts during the current year of your good conduct sentence credit availability.**

**Available Sanctions** (upon finding the inmate committed the prohibited act(s)):

**(A) Recommend Parole Date Rescission or Retardation.** The DHO may recommend retardation or rescission of parole grants to the U.S. Parole Commission or respective parole authority.

**(B) Forfeit Earned Statutory Good Time, Non-vested Good Conduct Time, or Terminate or Disallow Extra Good Time.**

*Forfeited good conduct time* (GCT) is not eligible for restoration. However, *forfeited statutory good time* (SGT) may be restored. Restoration of statutory good time is approved at initial eligibility only when the inmate has shown a period of improved good behavior. When the Warden (or designee) denies restoration of forfeited statutory good time, the unit team notifies the inmate of the reasons for denial. The unit team establishes a new eligibility date, not to exceed six months from the date of denial.

An application for restoration of statutory good time is forwarded from the inmate's unit team, through the DHO and Captain for comments, to the Warden for final decision.

Inmates who committed their crimes on or after November 1, 1987, and are sentenced under the Sentencing Reform Act provisions of the Comprehensive Crime Control Act, are only eligible to receive 54 days GCT credit (18 U.S.C. § 3624(b)). This credit is given at the end of each year served and, once given, is vested. For these inmates, the DHO's authority is final and subject only to review by the Regional Director to ensure conformity with the discipline policy and by inmate appeal through Administrative Remedy procedures.

The statutory good time available for forfeiture is limited to an amount computed by multiplying the months served at the time of the offense for which forfeiture is taken, by the applicable monthly rate specified in 18 U.S.C. § 4161 (less previous forfeiture or withholding). The amount of GCT available for forfeiture is limited to total days in "non-vested" status at the time of misconduct (less previous forfeiture).

Forfeiture of GCT may not be suspended.

Disallowance of extra good time is limited to extra good time for the calendar month in which the violation occurs. It may not be withheld or restored.

The sanction of termination or disallowance of extra good time may not be suspended.

Forfeited GCT will not be restored. Authority to restore forfeited statutory good time is delegated to the Warden, and may not be delegated lower than the Associate Warden level. Limitations on this sanction and eligibility for restoration are based on the severity scale. (See Table 2.)

To ensure an inmate's case is not overlooked when statutory good time has been forfeited, the unit manager will ensure the eligibility requirements are reviewed for restoration per the time frames in the Program Statement on Classification and Program Review of Inmates. A recommendation of the unit team for or against restoration is forwarded to the Warden through the DHO and Captain. Except as noted, eligibility for restoration of forfeited statutory good time is computed from the date of the withholding or forfeiture action by the DHO.

An inmate who has escaped and receives a forfeiture at a subsequent in absentia hearing begins the eligibility for restoration period upon return to Bureau custody. The Warden refers to the Regional Director any case where exceptional circumstances support restoration of statutory good time before completion of the eligibility requirements.

Sanction B does not apply to inmates committed under the Comprehensive Crime Control Act for crimes committed on or after November 1, 1987, and prior to passage of the Violent Crime Control and Law Enforcement Act of 1994 (September 23, 1994). For those inmates, the applicable sanction is B.1.

**(B.1) Disallowance of Good Conduct Time.** An inmate sentenced under the Sentencing Reform Act provisions of the Comprehensive Crime Control Act (committed a crime on or after November 1, 1987) may not receive statutory good time, but is eligible to receive 54 days GCT credit each year (18 U.S.C. § 3624(b)). Once awarded, the credit is vested, and may not be disallowed.

Crimes committed on or after September 13, 1994, and before April 26, 1996, (VCCLCA) credit is not vested unless the inmate has earned or is making satisfactory progress toward a high school diploma or equivalent degree (or is exempt because of a learning disability).

For crimes committed on or after April 26, 1996, (PLRA and SRAA) GCT credit toward an inmate's service of sentence vests on the date the inmate is released. Once disallowed, the credit may not be restored, except by immediate review or appeal as indicated below. Prior to this award being made, the credit may be disallowed for an inmate found to have committed a prohibited act.

A sanction of GCT disallowance may not be suspended. Only the DHO can take action to

disallow GCT. The DHO considers the severity of the prohibited act and the suggested disallowance guidelines in making a determination.

A decision to go above the guideline is warranted for a greatly aggravated offense or a repeated violation of another prohibited act within a relatively short time (e.g., within 24 months for a greatest severity level prohibited act, 18 months for a high severity level prohibited act, and 12 months for a moderate severity level prohibited act). A decision to go below the guidelines is warranted for strong mitigating factors. A decision above or below the guidelines is justified in the DHO report.

VCCLEA inmates rated “violent” and PLRA inmates are ordinarily disallowed GCT for each prohibited act they are found to have committed at a DHO hearing, consistent with the following:

- # **Greatest Severity Level Offenses.** A minimum of 41 days (or, if less than 54 days are available for the prorated period, a minimum of 75% of available GCT) for each act committed.
- # **High Severity Level Offenses.** A minimum of 27 days (or, if less than 54 days are available for the prorated period, a minimum of 50% of available GCT) for each act committed.
- # **Moderate Severity Level Offenses.** A minimum of 14 days (or, if less than 54 days are available for the prorated period, a minimum of 25% of available GCT) for each act committed if the inmate has committed two or more moderate severity level offenses during the current anniversary period.
- # **Low Severity Level Offenses.** A minimum of 7 days (or, if less than 54 days are available for the prorated period, a minimum of 12.5% of available GCT) for each act committed if the inmate has committed three or more low moderate offenses during the current anniversary period.

Except for VCCLEA inmates rated “violent” or PLRA inmates, Sanction B.1 may be imposed on the Low severity level only where the inmate has committed a Low severity level act more than once within a six-month period.

GCT credit may only be given to an inmate serving a sentence of more than one year, but less than life. In the last year or part of a year of an inmate’s sentence, only the GCT available for the time remaining may be disallowed.

**(C) Disciplinary Segregation.** The DHO may direct that an inmate be placed or retained in disciplinary segregation. Consecutive disciplinary segregation sanctions can be imposed for inmates found to have committed offenses that are part of different acts only. Limits on time in disciplinary segregation are based on the severity scale (see Tables 1 and 2).

Unless otherwise specified by the DHO, disciplinary segregation placements for different or

separate prohibited acts are imposed consecutively.

**(D) Make Monetary Restitution.** The DHO may direct that an inmate reimburse the U.S. Treasury for damages to U.S. Government property that the individual caused or contributed to. The UDC is prohibited from imposing the sanction of make monetary restitution.

Commissary privileges should be suspended by the DHO until restitution is made. See the Program Statement **Trust Fund/Deposit Fund Manual** for instructions regarding impoundment of inmate funds.

**(E) Monetary Fine.** The DHO may direct that an inmate pay a fine, as follows:

- # Greatest severity level offense – Up to \$500, or 75% of the inmate’s trust fund balance.
- # High severity level offense – Up to \$300, or 50% of the inmate’s trust fund balance.
- # Moderate severity level offense – Up to \$100, or 25% of the inmate’s trust fund balance.
- # Low severity level offense – Up to \$50, or 12.5% of the inmate’s trust fund balance.

Commissary privileges should be suspended until the fine is paid. See the Trust Fund/Deposit Fund Manual for instructions regarding impoundment of inmate funds.

This sanction cannot be used as a form of monetary restitution. The UDC is prohibited from imposing the sanction of monetary fine.

**(F) Loss of Privileges (e.g., visiting, telephone, e-mail, commissary, movies, recreation).** The DHO or UDC may direct that an inmate forego specific privileges for a specified time.

The DHO or UDC may impose non-contact visiting or immediate family-only visitation in addition to loss of visiting.

Loss of recreation privileges (exercise periods) may not be imposed on inmates in a Special Housing Unit (SHU), but may be used for general population inmates.

The DHO or UDC may impose a loss of mattress sanction from lights on to lights off for inmates in the SHU. Staff must ensure the inmate has a mattress from lights off to lights on.

**(G) Change Housing (Quarters).** The DHO or UDC may direct that an inmate be moved to other housing.

**(H) Remove from Program or Group Activity.** The DHO or UDC may direct that an inmate not participate in any program or group activity for a specified time.

**(I) Loss of Job.** The DHO or UDC may direct that an inmate be removed from his/her present job or assigned to another job.

**(J) Impound Inmate's Personal Property.** The DHO or UDC may direct that an inmate's personal property be stored in the institution for a specified time.

**(K) Confiscate Contraband.**

**(L) Restrict Quarters.** The DHO or UDC may direct that an inmate be confined to quarters or its immediate area for a specified time.

**(M) Extra Duty.** The DHO or UDC may direct that an inmate perform tasks other than those performed during his/her regular job.

## CHAPTER 2.

### § 541.5 Discipline process.

**(a) *Incident report. The discipline process starts when staff witness or reasonably believe that you committed a prohibited act. A staff member will issue you an incident report describing the incident and the prohibited act(s) you are charged with committing. You will ordinarily receive the incident report within 24 hours of staff becoming aware of your involvement in the incident.***

When staff witness or reasonably believe that a violation of Bureau regulations has been committed, staff must prepare an incident report and forward it to the appropriate Lieutenant. The Lieutenant will enter the incident report into SENTRY.

The reporting employee immediately completes Part 1 of the incident report. The incident is a prohibited act listed in Appendix C. The entire language of the prohibited act(s) does not have to be copied. For example, “Destroying Government Property, Code 218” or “Possessing Narcotics, Code 113” would be acceptable listings.

The description of the incident should contain all facts known by the employee that are not confidential. Anything unusual about the inmate’s behavior should be noted. The reporting employee also lists persons (staff, inmates, others) at the scene, and physical evidence (weapons, property, etc.) the employee may have handled. The report reflects any actions taken, including use of force. The reporting employee signs the report, enters his/her title, date, and time, and forwards it to the Lieutenant. The description of the incident provides the inmate with specific evidence for which he/she may prepare a defense.

References to attachments and other investigative materials should not be identified in Section 11 of the report. For example, if staff observe two inmates in a physical altercation, the reporting officer should describe in Section 11 specific actions by each inmate; e.g., throwing punches to the head with a closed fist, striking one another with closed fists, biting, scratching, hair pulling.

Acts are different or separate if they have different elements (time, place, persons involved, actions). For example, if an inmate is involved in a fight with another inmate and also strikes a staff member trying to break it up, the inmate can be charged with fighting (Code 201) and assaulting a staff member (Code 224 or 101, depending on seriousness of injuries).

Code 305, Possession of anything not authorized, may be appropriate for inmates possessing items in excess of authorized limits.

Codes 199, 299, and 399, most like 196, 296, and 396, respectively, may be appropriate for inmates using electronic messaging (e.g., TRULINCS) in violation of policy. Sanctions Code F., Loss of privileges, in the form of loss of electronic messaging privileges, may be an appropriate sanction for these offenses.

**(b) *Investigation.* After you receive an incident report, a Bureau staff member will investigate it.**

The Investigating Officer is an employee at the supervisory level who conducts an investigation of alleged inmate misconduct. The Investigating Officer must be IDC-certified, and may not be the employee reporting the incident or otherwise be involved in the incident. The officer is ordinarily a Lieutenant, but the Warden may appoint another staff member.

Staff conduct the investigation as promptly as possible. The Investigating Officer is ordinarily appointed within 24 hours of the incident report. The investigation should be finished within 24 hours after the appointment.

When it appears likely that the incident may involve criminal prosecution, the investigating officer suspends the investigation. Staff may not question the inmate until the FBI or other investigative agency releases the incident report for administrative processing. The incident report should then be delivered to the inmate by the end of the next business day. The time frame for processing the Incident report is suspended until it is released for processing.

The Investigating Officer may informally resolve the Incident report (except for prohibited acts in the Greatest or High severity level categories) or conduct an investigation consistent with this section.

**(1) *Information:* The investigator will specifically inform you:**

**(A) of the charge(s) against you; and**

**(B) that you may remain silent at all stages of the discipline process, but that your silence may be used to draw an adverse inference against you at any stage of the process. Your silence alone, however, cannot be the basis for finding you committed the prohibited act(s).**

**(2) *Statement:* When the investigator asks for your statement, you may give an explanation of the incident, request any witnesses be interviewed, or request that other evidence be obtained and reviewed. However, the staff investigation of the incident report may be suspended before requesting your statement if it is being investigated for possible criminal prosecution.**

The Investigating Officer provides a copy of the incident report to the inmate at the beginning of the investigation, unless there is good cause for later delivery, such as absence of the inmate from the institution or a medical condition that argues against delivery. If the investigation is delayed, any employee may deliver the charge(s) to the inmate. The reason for the delay must be documented in the discipline record.

The incident report should be delivered to the inmate within 24 hours of the time staff become aware of the inmate's alleged misconduct. If an incident is referred for prosecution, the report is delivered by the end of the next business day after release for administrative processing. (The five-day time frame for a UDC review starts when the incident report is released for administrative processing.)

The staff member must record the date and time the inmate received a copy of the report. The investigator also reads the charge(s) to the inmate and asks for the inmate's statement about the incident.

The investigator then talks to persons with direct and relevant information, and summarizes their statements. (For example, if an inmate was in a fight, the investigator talks with the other inmate(s) involved.) Often, the investigator will want to talk to the reporting employee to obtain a report firsthand and to clarify any questions. Although an inmate may not identify or request any witnesses at this stage of the discipline process, the investigator should interview any witnesses to the incident (and victims, if applicable) to record their statements. The investigator records the disposition of evidence.

If practicable, the inmate's statements offering a rationale for his/her conduct or for the charges against him/her should be investigated. If the inmate requests exculpatory evidence, such as video or audio surveillance, the investigator must make every effort to review and preserve the evidence. It would also be prudent for the investigator to review and preserve the video or audio surveillance even if the inmate does not make a specific request as such evidence is relevant to the incident.

An inmate who receives an Incident report based on a "positive" urine test may claim this result comes from either:

- # Permissible medication he/she was given.
- # A combination of medications he/she is taking.

In the first situation, the investigator must contact Health Services staff to determine if the inmate is receiving medication that contains the compound found in the urinalysis. In the second situation, the investigator must confirm that the inmate is authorized to take the medications. When necessary, the testing laboratory is contacted to see if the combined medications could produce a "false positive."

While an inmate can challenge the **results** of a urine test, and this may be considered by the DHO, the validity of the testing **process** is not at issue. Neither the investigator nor the DHO has the experience to assess the accuracy of the laboratory process. See the Program Statement **Urine Surveillance**.

Under Comments and Conclusions, the investigator may include:

- # Comments on the inmate's prior record and behavior.
- # Analysis of any conflict between witnesses.
- # Conclusions regarding what happened.

The investigator must record all steps and actions taken on the incident report and forward the relevant materials to staff holding the initial hearing.

**The inmate does not receive a copy of the investigation (Sections 23 through 27 of the incident report).** However, if the case is ultimately forwarded to the DHO, the DHO must give a copy of the investigation and other relevant materials to the inmate's staff representative, if requested, for use on the inmate's behalf.

The UDC chairman or DHO taking **final** action ensures that the required information is entered into SENTRY. The unit team files all discipline documents in the inmate's central file.

**(3) *Informally resolving the incident report. The incident report may be informally resolved at any stage of the disciplinary process, except for prohibited acts in the Greatest and High severity levels, or as otherwise required by law or these regulations. If the incident report is informally resolved, it will be removed from your records.***

The Bureau encourages informal resolution of incidents. However, prohibited acts in the Greatest severity level (100 level) and High severity level (200 level) may not be informally resolved, and must be referred to the DHO. Moderate severity level (300 level) and Low severity level (400 level) offenses can be informally resolved at any stage of the process. A record of any informal resolution is maintained in SENTRY. However, the incident report is not filed in the inmate's central file.

Staff may suspend discipline proceedings up to two calendar weeks while informal resolution is undertaken. If informal resolution is unsuccessful, staff may reinstate disciplinary proceedings at the stage at which they were suspended. The time requirements then restart at the point at which they were suspended. Staff are required to write the incident report before starting informal resolution so the facts of the incident will be preserved if informal resolution is not successful. While informal resolution requires the consent of both staff and inmate to be successful, the determination to informally resolve an incident report is solely at the discretion of staff.

## CHAPTER 3.

### § 541.6 Mentally ill inmates.

If it appears you are mentally ill at any stage of the discipline process, you will be examined by mental health staff.

(a) *Competency to Participate in Disciplinary Proceedings.* If evidence indicates that you cannot understand the nature of the disciplinary proceedings, or cannot help in your own defense, disciplinary proceedings may be postponed until you are competent to participate. The Unit Disciplinary Committee or Discipline Hearing Officer will make this decision based on evidence, including evidence presented by mental health staff.

(b) *Responsibility for Conduct.* You will not be disciplined for conduct committed when, as the result of a severe mental disease or defect, you were unable to appreciate the nature and quality, or wrongfulness of the act. The UDC or DHO will make this decision based on evidence, including evidence presented by mental health staff.

If it appears at any stage of the discipline process that an inmate is mentally ill, staff refers him/her to a mental health professional to determine whether he/she is responsible for his/her conduct or is incompetent. Staff may take no discipline action against an inmate who is determined by a mental health professional to be incompetent to participate in the disciplinary proceedings or not responsible for his/her behavior.

A person is **not responsible** for his/her conduct if, at the time of the conduct, as a result of a severe mental disease or defect, he/she was unable to appreciate the nature and quality or the wrongfulness of his/her acts. When a person is determined not responsible for his/her conduct, the incident report shows as a finding that the person did not commit the prohibited act because he/she was found not mentally responsible. The incident report is retained in the inmate's central file. The DHO or UDC, as appropriate, enters this finding into SENTRY in the Chronological Disciplinary Record.

A person is **incompetent** if he/she lacks the ability to understand the disciplinary proceedings, or to assist in his/her defense. When a person is determined incompetent, the disciplinary proceedings are postponed until the inmate is able to understand the proceedings and assist in his/her defense. If competency is not restored within a reasonable time, the incident report shows as a finding that the inmate is incompetent. The incident report is retained in the inmate's central file. The DHO or UDC chairman records the finding into SENTRY in the Chronological Disciplinary Record.

Generally, the UDC initiates referral to a mental health professional. However, staff at any stage of the discipline process may make such a referral. The completed mental health evaluation is returned to the UDC, which then decides whether the incident may be handled by the UDC (other than Greatest or High severity level), or referred to the DHO. In Greatest or High severity level cases, the UDC may refer an inmate for a mental health evaluation along with referral to the DHO. The completed evaluation is returned to the UDC, which forwards it to the DHO.

## **CHAPTER 4.**

### **§ 541.7 Unit Discipline Committee (UDC) review of the incident report.**

**A Unit Discipline Committee (UDC) will review the incident report once the staff investigation is complete. The UDC's review involves the following:**

**(a) Available dispositions. The UDC will make one of the following decisions after reviewing the incident report:**

- (1) You committed the prohibited act(s) charged, and/or a similar prohibited act(s) as described in the incident report;**
- (2) You did not commit the prohibited act(s) charged; or**
- (3) The incident report will be referred to the Discipline Hearing Officer (DHO) for further review, based on the seriousness of the prohibited act(s) charged.**
- (4) If you are charged with a Greatest or High severity prohibited act, or are an inmate covered by § 541.4, the UDC will automatically refer the incident report to the DHO for further review.**

**(b) UDC members. The UDC ordinarily consists of two or more staff. UDC members will not be victims, witnesses, investigators, or otherwise significantly involved in the incident.**

The Warden designates ordinarily two or more unit staff members to hold an initial review and impose available sanctions upon completion of the investigation of alleged misconduct for moderate category and low category offenses. One staff member UDCs are permitted when other members are not reasonably available.

Only one unit staff member is required to hold an initial review when the incident report is required by policy to be referred to the DHO.

A staff member witnessing an incident may serve on the UDC in cases where virtually every staff member in the institution witnessed the incident in whole or in part.

A staff member may not sit on the UDC without successfully completing the self-study program for UDC certification.

Each Warden must select at least one UDC Trainer to monitor the progress of staff participating in the self-study program.

**(c) Timing.** The UDC will ordinarily review the incident report within five work days after it is issued, not counting the day it was issued, weekends, and holidays. UDC review of the incident report may also be suspended if it is being investigated for possible criminal prosecution.

The Warden's approval is required for any extension beyond five work days. The UDC will ensure the approval is documented and included in the discipline packet. The time that an incident report is suspended for referral to another agency for possible prosecution is not included in this five work day time frame. The time line commences when the incident report is released from the outside agency for administrative processing. However, the inmate should be advised of the delay, and if appropriate, the reason for the delay.

**(d) Inmate appearance.** You are permitted to appear before the UDC during its review of the incident report, except during UDC deliberations or when your presence would jeopardize institution security, at the UDC's discretion. Also:

**(1) You may appear either in person or electronically (for example, by video or telephone conferencing) at the UDC's discretion.**

**(2) You may waive your appearance before the UDC. If you waive your appearance, the UDC will review the incident report in your absence.**

**(3) If you escape or are otherwise absent from custody, the UDC will conduct a review in your absence at the institution where you were last confined.**

The UDC must document its reasons for excluding an inmate from the hearing.

A waiver may be in writing, signed by the inmate, or if the inmate refuses to sign, by a memo indicating the inmate's refusal to appear (Waiver of Appearance (BP-A0307)).

**(e) Evidence.** You are entitled to make a statement and present documentary evidence to the UDC on your own behalf. The UDC will consider all evidence presented during its review. The UDC's decision will be based on at least some facts and, if there is conflicting evidence, on the greater weight of the evidence.

The phrase "some facts" refers to facts indicating the inmate committed the prohibited act. The phrase "greater weight of the evidence" refers to the strength of the evidence.

**(f) Sanctions.** If you committed a prohibited act(s), the UDC can impose any of the available sanctions listed in Tables 1 and 2, except loss of good conduct sentence credit, disciplinary segregation, or monetary fines.

**(g) Referral to the DHO.** If the UDC refers the incident report to the DHO for further review, the UDC will advise you of your rights at the upcoming DHO hearing, as detailed in § 541.8.

The UDC is prohibited from imposing the sanctions of make monetary restitution or monetary fines.

The UDC forwards copies of relevant documents to the DHO with a statement of reasons for the referral, along with recommendations for sanctions if the DHO finds the inmate has committed the act or another prohibited act. The UDC Chair records reasons for the referral and recommendations for disposition in the “Committee Action” section of the incident report. Recommendations are contingent upon a DHO finding that the inmate committed the act.

When charges are referred to the DHO, the UDC advises the inmate of the rights afforded at a hearing. The UDC asks the inmate to choose a staff representative, if any, and the names of witnesses the inmate wishes to be called to testify and what testimony they are expected to provide. The UDC advises the inmate that he/she may waive the right to be present at the hearing, but still have witnesses or a staff representative appear on his/her behalf.

If an inmate waives the right to appear at the UDC review, the UDC ensures the inmate is advised of the rights afforded at a hearing before the DHO (see forms for Inmate Rights at Discipline Hearing and Notice of Discipline Hearing Before the Discipline Hearing Officer (DHO)).

**(h) Written report.** You will receive a written copy of the UDC's decision following its review of the incident report.

The UDC prepares a record of its proceedings, which need not be verbatim. A record of the hearing and supporting documents is kept in the inmate's central file.

The UDC gives the inmate a written copy of the decision and disposition by the close of business the next work day. Action taken as a minor disposition may be reviewed under the Administrative Remedy Program (see 28 CFR Part 542, Subpart B.).

All UDC member(s) must print their name and sign Part II of the incident report to certify they served on the UDC and that the completed Part II accurately reflects their review.

When the UDC finds the inmate committed the prohibited act charged or a similar prohibited act reflected in the incident report, the chair ensures the information is entered into SENTRY in the Chronological Disciplinary Record.

**(i) Appeals.** You may appeal the UDC's action(s) through the Administrative Remedy Program, 28 CFR Part 542, Subpart B.

The Program Statement **Administrative Remedy Program** covers the regulations in 28 CFR Part 542, Subpart B. In addition to a review under the Administrative Remedy procedure, the Warden or designee audits and reviews discipline hearings and dispositions to ensure conformity with this policy.

When the UDC holds a full review and determines that the inmate did not commit a prohibited act of Moderate or Low severity, the UDC expunges the inmate's file of the incident report and related documents.

## **CHAPTER 5.**

### **§ 541.8 Discipline Hearing Officer (DHO) hearing.**

**The Discipline Hearing Officer (DHO) will only conduct a hearing on the incident report if referred by the UDC. The DHO's hearing involves the following:**

**(a) Available dispositions. The DHO will make one of the following decisions after a hearing on the incident report:**

- (1) You committed the prohibited act(s) charged, and/or a similar prohibited act(s) as described in the incident report;**
- (2) You did not commit the prohibited act(s) charged; or**
- (3) The incident report will be referred back for further investigation, review, and disposition.**

**(b) Discipline Hearing Officer. The DHO will be an impartial decision maker who was not a victim, witness, investigator, or otherwise significantly involved in the incident.**

The term Discipline Hearing Officer (DHO) refers to a one-person, independent officer who conducts hearings and imposes sanctions for incidents of misconduct referred by the UDC. A DHO may not conduct hearings without receiving specialized training and passing a certification test. If the institution's assigned DHO is unable to conduct hearings, the Warden arranges for another DHO, who must be certified.

The DHO may not hear any case not referred by the UDC. Only the DHO has authority to impose or suspend sanctions A through E.

**(c) Timing. You will receive written notice of the charge(s) against you at least 24 hours before the DHO's hearing. You may waive this requirement, in which case the DHO's hearing can be conducted sooner.**

The inmate does not appear before the DHO less than 24 hours before receiving written notice, unless he/she is to be released from custody within that time or waives the 24-hour notice requirement.

**(d) Staff Representative. You are entitled to have a staff representative during the DHO hearing process as follows:**

(1) ***How to get a staff representative.*** You may request the staff representative of your choice, so long as that person was not a victim, witness, investigator, or otherwise significantly involved in the incident. If your request(s) cannot be fulfilled, and you still want a staff representative, the Warden will appoint one. The Warden will also appoint a staff representative if it appears you are unable to adequately represent yourself before the DHO, for example, if you are illiterate or have difficulty understanding the charges against you.

(2) ***How the staff representative will help you.*** Prior to the DHO's hearing, the staff representative will be available to help you understand the incident report charges and potential consequences. The staff representative may also assist you by speaking with and scheduling witnesses, obtaining written statements, and otherwise helping you prepare evidence for presentation at the DHO's hearing. During the DHO's hearing, you are entitled to have the staff representative appear and assist you in understanding the proceedings. The staff representative can also assist you in presenting evidence during the DHO's hearing.

(3) ***How the staff representative may appear.*** Your staff representative may appear either in person or electronically (for example, by video or telephone conferencing) at the DHO's discretion. If your staff representative is not available for the scheduled hearing, you may either select another staff representative, request the hearing be postponed for a reasonable amount of time until your staff representative can appear, or proceed without a staff representative.

The Warden provides a full-time staff member to represent an inmate, if requested. If the request cannot be fulfilled, and the inmate still wants a staff representative, the Warden will appoint one. The executive staff, the DHO or alternate DHO, reporting officer, investigating officer, witnesses to the incident, and UDC members involved in the case may not be staff representatives. The Warden may exclude other staff in a particular case or when there is a potential conflict.

The DHO arranges for the presence of the staff representative selected by the inmate. If the staff member declines or is unavailable, the inmate can select another representative, wait a reasonable period for the staff member's return, or proceed without a representative. The DHO affords a staff representative adequate time to speak with the inmate and interview witnesses. While it is expected that a staff member will have ample time to prepare before the hearing, delays to allow additional preparation may be ordered by the DHO.

(e) ***Inmate appearance.*** You are permitted to appear before the DHO during the hearing on the incident report as follows:

- (1) You may appear either in person or electronically (for example, by video or telephone conferencing), at the DHO's discretion.**
- (2) Your appearance may be prohibited during DHO deliberations or when your presence would jeopardize institution security, at the DHO's discretion.**
- (3) You may waive your appearance before the DHO. If you waive your appearance, the DHO hearing will be conducted in your absence.**
- (4) If you escape or are otherwise absent from custody, the DHO will conduct a hearing in your absence at the institution where you were last confined.**

Although an inmate may waive the right to be present, he/she may elect to have a staff representative and witness(es) appear.

The DHO must document reason(s) for excluding an inmate from the hearing. An inmate may waive the right to be present, provided the waiver is documented and reviewed by the DHO. A waiver may be in writing, signed by the inmate, or if the inmate refuses to sign, by a memo signed by staff and witnessed by a second staff member indicating the inmate's refusal to appear.

The DHO may conduct a hearing in the absence of an inmate when the inmate waives the right to appear. If an inmate escapes or is otherwise absent, the DHO conducts a hearing in the inmate's absence at the institution in which the inmate was last confined. When an inmate returns to custody following an absence during which sanctions were imposed by the DHO, the Warden has the charges reheard before the DHO, ordinarily within 60 days after the inmate's arrival at the institution to which he/she is designated after return to custody, following an appearance before the UDC at that institution.

The UDC ensures that the inmate is aware of all rights for an appearance before the DHO, including delivery of charge(s), advisement of the right to remain silent, and other rights exercised before the DHO. Procedural requirements before the DHO apply to this in-person hearing, except that written statements of witnesses not readily available may be liberally used in place of in-person witnesses.

The DHO may affirm the earlier action taken, dismiss the charge(s), modify the finding of the original DHO as to the offense committed, or modify sanctions imposed in the inmate's absence.

When an inmate escapes, and is in local custody where a hearing may be held, an in-person rather than in-absentia hearing may be held at the DHO's discretion.

**(f) Evidence and witnesses. You are entitled to make a statement and present documentary evidence to the DHO on your own behalf. The DHO will consider all evidence presented during the hearing. The DHO's decision will be based on**

**at least some facts and, if there is conflicting evidence, on the greater weight of the evidence. Witnesses may appear at the DHO's hearing as follows:**

- (1) Witnesses may appear before the DHO either in person or electronically (for example, by video or telephone conferencing) at the DHO's discretion.**
- (2) The DHO will call witnesses who have information directly relevant to the charge(s) and who are reasonably available. However, the DHO need not call witnesses adverse to you if their testimony is adequately summarized in the incident report or other investigation materials.**
- (3) You or your staff representative may request witnesses appear at the hearing to testify on your behalf. Your requested witnesses may not appear if, in the DHO's discretion, they are not reasonably available, their presence at the hearing would jeopardize institution security, or they would present repetitive evidence.**
- (4) If your requested witnesses are unavailable to appear, written statements can be requested by either the DHO or staff representative. The written statements can then be considered during the DHO's hearing.**
- (5) Only the DHO may directly question witnesses at the DHO's hearing. Any questions by you or your staff representative must be submitted to the DHO, who will present the question to the witness in his/her discretion.**
- (6) The DHO may consider evidence provided by a confidential informant (CI) that the DHO finds reliable. You will not be informed of the CI's identity. You will be informed of the CI's testimony to the extent it will not jeopardize institution security, at the DHO's discretion.**

The DHO may refer the case back to the UDC for further information or disposition when the case does not warrant DHO involvement. When further investigation or more evidence is needed, the DHO may postpone or, before deciding whether a prohibited act was committed, continue the hearing until a later date. A postponement or continuance must be for good cause (determined by the DHO) and documented in the record.

The phrase "some facts" refers to facts indicating the inmate committed the prohibited act. The phrase "greater weight of the evidence" refers to the strength of the evidence, not to its quantity or to the number of witnesses testifying.

The DHO may consider negative information (e.g., known peddler of contraband) as part of the fact-finding process. Negative information may be used to draw an adverse inference against the inmate. However, negative information alone may not be used to support a finding that an inmate committed a prohibited act.

# **Witnesses.** An inmate may request witnesses from outside the institution. In such instances, the inmate charged may be excluded during the appearance of an outside witness. An outside witness should appear in an area in which outside visitors are usually allowed. Written statements from outside witnesses may be used by the DHO in lieu of live testimony.

The DHO need not call repetitive witnesses. The reporting officer and other adverse witnesses need not be called if their knowledge of the incident is adequately summarized in the incident report and other investigative materials. The DHO must document reasons for declining to call requested witnesses in the DHO report, or, if the reasons are confidential, in a separate report, not available to the inmate.

The inmate's staff representative, or, when the inmate waives staff representation, the DHO, questions witnesses requested by the inmate, who are called before the DHO. An inmate who waives staff representation may submit questions for requested witnesses in writing to the DHO. The inmate may not question witnesses.

When an inmate is excluded during the appearance of a witness, including an outside witness, the DHO informs the inmate before the close of the hearing of the substance of the testimony, except where security would be jeopardized.

There is no minimum or maximum number of witnesses who may be called; the number should be based on the situation and the information to be presented. While several eyewitnesses may be called, it is expected that the number of character witnesses would be limited, at the discretion of the DHO.

The DHO may not refuse to call a witness who is reasonably available (e.g., on a different shift) and has information relevant to the charge **solely** because the witness (staff or inmate) does not wish to appear. An inmate witness can be required to attend, and failure to cooperate with the DHO can result in disciplinary action (e.g., for Refusing to Obey an Order of a Staff Member, Code 307).

The DHO may notify the inmate when a witness does not wish to testify. This may be warranted when it appears that to force the witness's appearance could result in threats to a person's safety, or disruption to security or orderly running of the institution.

The statement of an inmate requesting a witness is not enough to mandate the witness's appearance. There must be an indication that the witness has information directly relevant to the charges.

The DHO may remind an inmate witness that statements at the hearing must be "true" to the best of the inmate's knowledge.

On occasion, an inmate may request a witness who is not reasonably available to testify in person (e.g., an inmate from another institution). When this occurs, the DHO ordinarily

allows time for the written statement of the witness to be received, if he/she is expected to have relevant information. The witness should sign the written statement. If an extension is not granted, the DHO must clearly state in the record reasons for not granting it.

- # **Confidential informants.** When a discipline decision is based on confidential informant information, the UDC or DHO must document, ordinarily in the hearing report, their finding as to the reliability of each confidential informant and the factual basis for that finding. If the report would reveal the confidential informant's identity, this finding is part of a separate report prepared by the DHO, not available to the inmate.

Confidential informant information should not be used, or relied on in the report, when independent information is available to support a finding. Just because an informant provided information that opened an investigation does not mean that informant must be referred to, as long as there are other facts or independent evidence.

An **informant** is a person (non-staff, ordinarily an inmate) who provides staff (usually at the person's initiation) with information about the commission of an offense or about misconduct. A **confidential informant** is one whose identity must be protected for personal safety. Ordinarily, the finding that an inmate committed a prohibited act must be supported by more than one reliable confidential source. If there is only one, the confidential information must be corroborated by independently verified evidence linking the inmate to the prohibited act.

Uncorroborated confidential information from a single informant is **insufficient** as the sole basis for a finding, **unless** the circumstances of the incident and the knowledge possessed by the informant are convincing enough to show that the information must be reliable. In an unwitnessed assault, for example, the statement of a seriously injured assault victim **could** be sufficient to support a finding without corroborating evidence.

The reliability of a confidential informant must be established before the information may be used to support a finding. Reliability may be determined by a record of past reliability or by other factors that reasonably convince the DHO. The staff member providing information to the DHO must include a written statement of the frequency with which the informant provided information, the period during which the informant provided information, and the information's accuracy. If reliability is based on other factors, they must be clearly specified.

Staff have an obligation to determine whether there is any basis for concluding that the informant is providing false information. Neither the DHO nor UDC may consider information obtained in exchange for the promise of a favor to support its finding.

Confidential information presented to the UDC or DHO must be in writing and must state facts and the manner in which the informant learned the facts. If possible, the statement must be signed by the confidential informant. If the informant does not write a statement,

the staff member receiving the information provides the information in language as close to the informant's as possible (actual words where possible).

The identity of a confidential informant must be known, at a minimum, by the DHO. Where the UDC does not make a final disposition, but refers a case to the DHO, the UDC need not know the identity of an informant or the substance of the information.

An inmate's staff representative need not know the identity of informants. While confidential information may, at the discretion of the DHO, be divulged to, and challenged by, a staff representative, the **reliability** of informants may not be questioned by the staff representative. The DHO is responsible for establishing reliability.

Confidential informants' statements must, at a minimum, be incorporated in discipline hearing reports by reference. The UDC or DHO must document, ordinarily in the UDC or DHO report, their finding as to the reliability of each informant and its factual basis. The report must identify specific information relied on and the factual basis for that reliance. When the DHO decides that information given by a single confidential informant is sufficient, the report should include a rationale for that decision.

When the DHO determines that including information in the report would not reveal the identity of the informant, such information is included. When the DHO determines that including information in the report might reveal the identity of the informant, the DHO prepares a separate report documenting the findings of the reliability of each informant, their factual basis, the information relied on, and the factual basis for that reliance. This separate report need not be placed in the inmate central file, but is retained in a secure location as long as it is available for later administrative or judicial review, and as long as the separate report is incorporated by reference into the DHO report.

Since information received anonymously does not meet the necessary reliability standard, it may not be used as evidence in making a finding. Such information, however, may be used in the investigation.

When relying on confidential informant information in making a finding, the DHO must justify the reliability of this information and its factual basis. If the testimony of conflicting witnesses (any witness, not just confidential informants) is presented, or there are other conflicts in the evidence, the DHO indicates in the record the reason for believing the testimony of one witness over another or otherwise resolving the conflict. When including this information in the written report would jeopardize security, the DHO may provide it in a separate report, not available to the inmate.

**(g) *Sanctions. If you committed a prohibited act(s), the DHO can impose any of the available sanctions listed in Tables 1 and 2.***

The Regional Director audits discipline hearings and dispositions to ensure conformity with this policy.

**(h) *Written Report.* You will receive a written copy of the DHO's decision following the hearing. The DHO is not required to prepare a verbatim record of the hearing. The DHO's written report will document the following:**

- (1) Whether you were advised of your rights during the DHO process;**
- (2) The evidence relied on by the DHO;**
- (3) The DHO's decision;**
- (4) The sanction imposed by the DHO; and**
- (5) The reason(s) for the sanction(s) imposed.**

The DHO prepares a record of the proceedings. The evidence, decision, and reasons for actions taken must be specific, unless this would jeopardize security. The DHO gives the inmate a written copy of the decisions and disposition, ordinarily within 15 work days of the decision.

The DHO signs the discipline hearing report, certifying that it accurately reflects the proceedings.

A record of the hearing and supporting documents are kept in the inmate central file.

The DHO ensures that the required information is entered into SENTRY in the inmate's Chronological Disciplinary Record.

If the DHO expunges an incident report, unit staff must ensure the inmate's central file does not include the incident report and/or related documents.

References to significant prohibited acts that are not supported by disciplinary actions and hearings may not be used by the Bureau in ways that have an adverse impact on an inmate, specifically the forfeiture or disallowance of good time, good conduct time, or a parole recommendation. Staff may maintain such references in an inmate's central file for use in making classification, administrative transfer, and other decisions if the following conditions are met:

- # References in an inmate's central file must be maintained accurately. For example, an inmate suspected of being involved in an escape attempt who was never found to have violated disciplinary regulations or was never charged due to lack of evidence would have to have the lack of evidence noted in any reference to alleged involvement in the escape attempt.
- # Placement of a reference to 100 or 200 severity level offenses not supported by disciplinary

action in an inmate's central file may only be done with the written approval of the Warden of the institution where the incident occurred. This must be documented in the inmate's central file. Approval signifies that in the Warden's judgment this information is necessary for proper management of the inmate.

**(i) *Appeals. You may appeal the DHO's action(s) through the Administrative Remedy Program, 28 CFR Part 542, Subpart B.***

The reviewing official (Warden, Regional Director, or General Counsel) may approve, modify, reverse, or send back with directions, including ordering a rehearing, any action of the UDC or DHO, but may not increase a valid sanction. The initial reviewing official for the UDC is the Warden. The decision of the DHO is final and subject to review only by the Regional Director to ensure conformity with the discipline policy and by appeal through the Administrative Remedy program. The DHO ensures the inmate is notified that any appeal must be made within the time frames in the Administrative Remedy procedures. The Warden may also review DHO hearings to the extent he or she considers necessary to ensure substantial compliance with the provisions of the discipline policy. Also, the DHO may receive informal complaints about the procedure and correct mistakes locally.

On appeals, the reviewing authority considers:

- # Whether the UDC or DHO substantially complied with regulations on inmate discipline.
- # Whether the UDC or DHO based its decision on facts.
- # If there was conflicting evidence, whether the decision was based on the greater weight of the evidence.
- # Whether an appropriate sanction was imposed or the severity level of the prohibited act, and other relevant circumstances.

The reviewing official is limited to determining if the UDC or DHO could have rationally concluded that the evidence supports the decision, not necessarily whether the reviewing official would have made the same decision.

The investigator, UDC members, DHO, reporting officer, or staff representative may not investigate or help prepare the response to administrative appeals from UDC or DHO actions.

Where a remand is directed, the UDC or DHO is bound by the original sanction(s), except where:

- # The sanction is in violation of policy.
- # The remand is made specifically because of the sanction.
- # The inmate's behavior or activity since the first hearing is determined by the UDC or DHO to justify an increase or decrease in sanction(s). The intervening behavior or activity and the reasons for an increase or decrease in sanction(s) must be documented in the hearing record.

When an appeal results in the original sanction being replaced by a suspended sanction, the

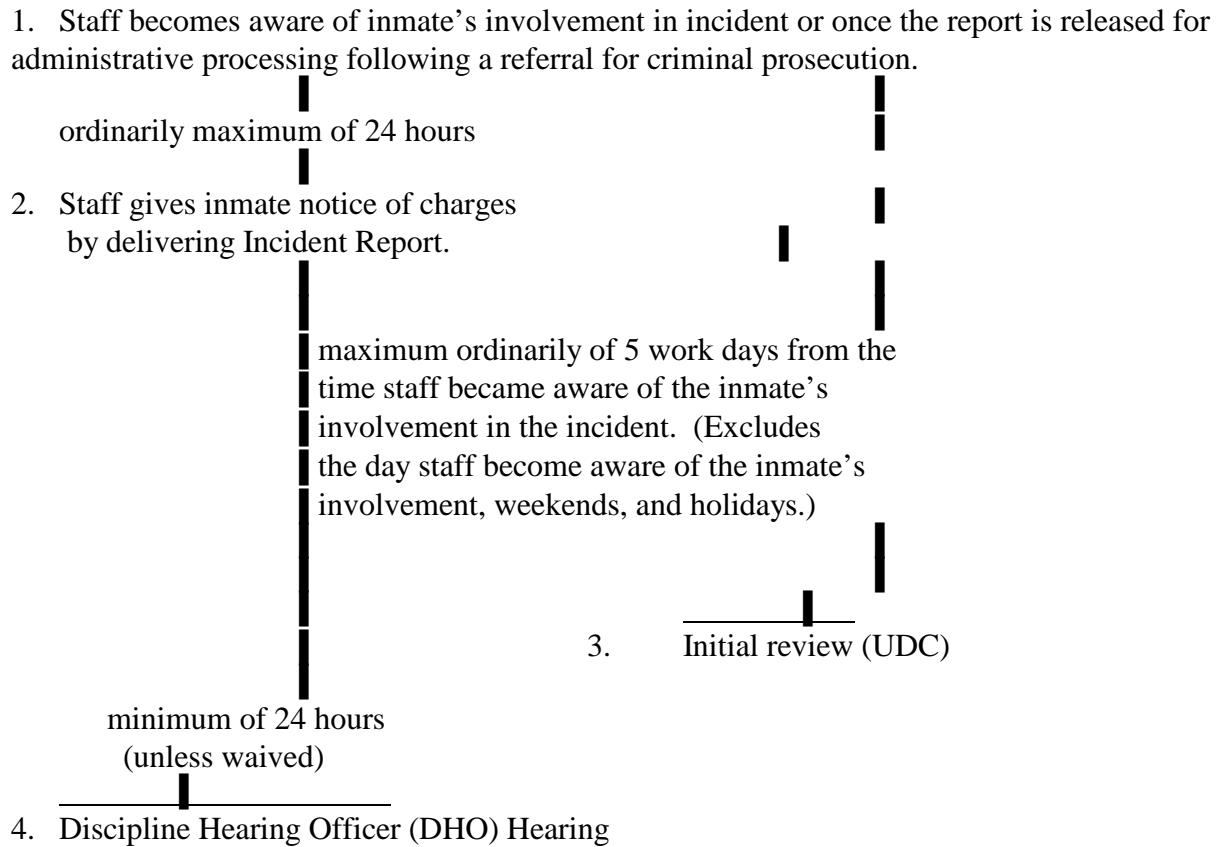
suspension (when possible) runs from the date the original sanction was imposed.

When an inmate files a Regional or Central Office appeal of a disciplinary action, those offices may request copies of disciplinary records. Each Warden will designate an appropriate staff member with the proper clearance to ensure that copies sent for review or appeal include confidential information, witness and notice of rights forms, staff memos concerning the incident, investigative reports, and any dissenting reports. Documentation is forwarded within three working days of the receipt of request.

## Appendix A. LIST OF FORMS

- # Incident Report (BP-A0288 JUN 11).
- # Inmate Rights at Discipline Hearing (BP-A0293 JUN 11).
- # Notice of Discipline Hearing Before the Discipline Hearing Officer (DHO) (BP-A0294 JUN 11).
- # Duties of Staff Representative (BP-A0306 JUN 11).
- # Waiver of Appearance (BP-A0307 JUN 11).
- # Discipline Hearing Officer (DHO) Report (BP-A0304 JUN 11).

## Appendix B. SUMMARY OF INMATE DISCIPLINE SYSTEM



**NOTE:** Time limits are subject to exceptions as provided in the rules.

Staff may suspend disciplinary proceedings for a period not to exceed two calendar weeks while undertaking informal resolution. If informal resolution is unsuccessful, staff may reinitiate disciplinary proceedings. The requirements then begin running at the same point at which they were suspended.

## **Appendix C. INMATE RIGHTS AND RESPONSIBILITIES**

<b>RIGHTS</b>	<b>RESPONSIBILITIES</b>
1. You have the right to expect that you will be treated in a respectful, impartial, and fair manner by all staff.	1. You are responsible for treating inmates and staff in the same manner.
2. You have the right to be informed of the rules, procedures, and schedules concerning the operation of the institution.	2. You have the responsibility to know and abide by them.
3. You have the right to freedom of religious affiliation and voluntary worship.	3. You have the responsibility to recognize and respect the rights of others in this regard.
4. You have the right to health care, which includes nutritious meals, proper bedding and clothing, and a laundry schedule for cleanliness of the same, an opportunity to shower regularly, proper ventilation for warmth and fresh air, a regular exercise period, toilet articles, and medical and dental treatment.	4. It is your responsibility not to waste food, to follow the laundry and shower schedule, maintain neat and clean living quarters, to keep your area free of contraband, and to seek medical and dental care as you may need it.
5. You have the opportunity to visit and correspond with family members and friends, and correspond with members of the news media, in accordance with Bureau rules and institution guidelines.	5. It is your responsibility to conduct yourself properly during visits. You will not engage in inappropriate conduct during visits to include sexual acts and introduction of contraband, and not to violate the law or Bureau guidelines through your correspondence.
6. You have the right to unrestricted and confidential access to the courts by correspondence (on matters such as the legality of your conviction, civil matters, pending criminal cases, and conditions of your imprisonment.)	6. You have the responsibility to present honestly and fairly your petitions, questions, and problems to the court.

7. You have the right to legal counsel from an attorney of your choice by interviews and correspondence.
8. You have the right to participate in the use of law library reference materials to assist you in resolving legal problems. You also have the right to receive help when it is available through a legal assistance program.
9. You have the right to a wide range of reading materials for educational purposes and for your own enjoyment. These materials may include magazines and newspapers sent from the community, with certain restrictions.
10. You have the right to participate in educational, vocational training, counseling, and employment programs as resources permit, and in keeping with your interests, needs, and abilities.
11. You have the right to use your funds for commissary and other purchases, consistent with institution security and good order, for opening bank and/or savings accounts, and for assisting your family, in accordance with Bureau rules.
7. It is your responsibility to use the services of an attorney honestly and fairly.
8. It is your responsibility to use these resources in keeping with the procedures and schedule prescribed and to respect the rights of other inmates to the use of the materials and assistance.
9. It is your responsibility to seek and use such materials for your personal benefit, without depriving others of their equal rights to the use of this material.
10. You have the responsibility to take advantage of activities which will aid you to live a successful and law-abiding life within the institution and in the community. You will be expected to abide by the regulations governing the participation in such activities.
11. You have the responsibility to meet your financial and legal obligations, including, but not limited to, DHO and court-imposed assessments, fines, and restitution. You also have the responsibility to make use of your funds in a manner consistent with your release plans, your family needs, and for other obligations that you may have.

## Appendix D. DATA ENTRY INSTRUCTIONS

Each Discipline Hearing Officer (DHO) or Unit Discipline Committee (UDC) is responsible for the validity and accuracy of the data on all cases resolved at their level. It is critical that the data is reported correctly and uniformly.

**Prohibited Acts.** Data collection requirements apply only to the following prohibited acts:

- # Code 100 – Killing.
- # Code 101 – Assaulting any Person (Serious).
- # Code 107 – Taking Hostages.
- # Code 114 – Sexual Assault by Force.
- # Code 203 – Threatening Another with Bodily Harm.
- # Code 205 – Engaging in Sexual Acts.
- # Code 206 – Making Sexual Proposals or Threats to Another.
- # Code 224 – Assaulting any Person (Less Serious).
- # Code 225 – Stalking.
- # Code 229 – Sexual Assault without Force.

**SENTRY Screens.** When an inmate is found to have committed one or more of the prohibited acts listed above, the DHO or UDC enters data on the following SENTRY screens:

- # Add Hearings/Findings or Update Status After Procedural Hearing.
- # Update Hearing/Findings or Execute/Unexecute Sanctions.

Because data collection is not required at the charging or accusatory levels, there are no additional requirements for the Update Charges screen.

**Data Keying Requirements.** Four characters are available to enter data on a particular act; the fourth is always used for aiding and abetting or attempts (for example, code 101A).

For the prohibited acts specified above, SENTRY allows three additional characters (fields) for DHOs or UDCs to input data:

- # The first field requires data on **type of victim**.
- # The second requires data on **type of weapon** used.
- # The third applies to the **nature of the injury**.

A fourth, separate field records whether the incident was referred for prosecution.

**Type of Victim.** The DHO and UDC Chairman must select one of three codes that best identifies the victim's status and enter it in the Additional Tracking Identifier (ATI) field for the prohibited act (e.g., ATI: S, ATI: O):

I ‘ Inmate  
S ‘ Staff  
O ‘ Other

There can be only one victim for each prohibited act. When there are multiple victims (two or more inmates, or one staff member and one inmate), there must be multiple prohibited acts against the inmate. If there are multiple acts for the same code, they must be keyed under separate incident report numbers even though the finding could be based on a single incident report.

“Other” is entered when the victim is a visitor, contracting staff, U.S. Marshal, etc.

**Type of Weapons Classification.** DHOs must review the list of weapons codes starting from the top (code “A”) to the bottom (code “N”). Using this rank-ordered review, select the **first** code that **best** describes the most serious weapon the inmate used or attempted to use. The selection is placed in the second position after the type of victim (e.g. ATI.: **SB**, ATI.: **OF**):

- A gun
- B sharp object (used to inflict cutting injury)
- C pointed object (used to inflict stabbing injury)
- D solid\blunt object (thrown or used to hit)
- E toxic or flammable fluids or substances
- F fists\hands
- G feet\legs
- H bodily fluids\waste (spit, urine, feces, blood, etc.)
- J teeth
- K head
- L water
- M other or unknown
- N no weapon

“Weapons” refers to objects, instruments, or substances listed above that the inmate controlled at the time of the offense, and are considered an element of the offense.

When an inmate threatens to use a weapon that was not readily available or under his or her control at the time of the incident, select code “N”, “no weapon.”

**Nature of Injury Assessment.** The level of injury is best assessed by considering the medical treatment required, if any. Choose the injury code that best describes the most serious injury suffered. The choice is placed in the third position after type of weapon (e.g., ATI.: **SB4**, ATI.: **OF1**):

- 1 **No injury** - The victim or medical staff reported no injuries.

**2 Minor injury** - The victim received minor injuries that may have been treated at the facility, or treated at the facility with a possible recommendation for a non-inmate victim to consult with his/her physician.

**3 Moderate injury** - The victim received more serious injuries that generally require treatment at an outside hospital, or, in the case of non-inmate victims, treatment by their own physicians. Moderate injuries are not judged life-threatening.

**4 Major injury** - The victim received injuries that are life-threatening, requiring emergency medical treatment at an outside hospital.

**5 Fatal injury** - The victim received injuries resulting in loss of life.

**Example One:** ATI.: **SB4** – “Staff-**S**” victim, with the weapon being a “sharp object-**B**”, and “major injuries-**4**” sustained.

**Example Two:** ATI.: **OF1** – “Other-**O**” victim with the weapon being “fists/hands-**F**”, and “no injury-**1**” sustained.

**Referrals for Prosecution (RFP).** For this system to provide accurate data, it is imperative that Special Investigative Supervisors (SIS) and Special Investigative Agents (SIA) refer assaults for prosecution and record the data in section 25 of the incident report. This is a separate field; the DHO keys either accepted or declined for prosecution by the Assistant U.S. Attorney in the screens for:

- # Add Hearings/Findings.
- # Update Status After Procedural Hearing.
- # Update Hearing/Findings.
- # Execute/Unexecute Sanctions.

The SIS or SIA documents this under “Other Facts” in section 25 of the incident report (e.g., RFP.: **A** for accepted or RFP.: **D** for declined).

**Table 1. PROHIBITED ACTS AND AVAILABLE SANCTIONS****GREATEST SEVERITY LEVEL PROHIBITED ACTS**

- 100 Killing.**
- 101 Assaulting any person, or an armed assault on the institution's secure perimeter (a charge for assaulting any person at this level is to be used only when serious physical injury has been attempted or accomplished).**
- 102 Escape from escort; escape from any secure or non-secure institution, including community confinement; escape from unescorted community program or activity; escape from outside a secure institution.**
- 103 Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of Greatest Severity, e.g., in furtherance of a riot or escape; otherwise the charge is properly classified Code 218, or 329).**
- 104 Possession, manufacture, or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive, ammunition, or any instrument used as a weapon.**
- 105 Rioting.**
- 106 Encouraging others to riot.**
- 107 Taking hostage(s).**
- 108 Possession, manufacture, introduction, or loss of a hazardous tool (tools most likely to be used in an escape or escape attempt or to serve as weapons capable of doing serious bodily harm to others; or those hazardous to institutional security or personal safety; e.g., hacksaw blade, body armor, maps, handmade rope, or other escape paraphernalia, portable telephone, pager, or other electronic device).**
- 109 (Not to be used).**
- 110 Refusing to provide a urine sample; refusing to breathe into a Breathalyzer; refusing to take part in other drug-abuse testing.**
- 111 Introduction or making of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.**

- 112 **Use of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.**
- 113 **Possession of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.**
- 114 **Sexual assault of any person, involving non-consensual touching by force or threat of force.**
- 115 **Destroying and/or disposing of any item during a search or attempt to search.**
- 196 **Use of the mail for an illegal purpose or to commit or further a Greatest category prohibited act.**
- 197 **Use of the telephone for an illegal purpose or to commit or further a Greatest category prohibited act.**
- 198 **Interfering with a staff member in the performance of duties most like another Greatest severity prohibited act. This charge is to be used only when another charge of Greatest severity is not accurate. The offending conduct must be charged as "most like" one of the listed Greatest severity prohibited acts.**
- 199 **Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Greatest severity prohibited act. This charge is to be used only when another charge of Greatest severity is not accurate. The offending conduct must be charged as "most like" one of the listed Greatest severity prohibited acts.**

#### **AVAILABLE SANCTIONS FOR GREATEST SEVERITY LEVEL PROHIBITED ACTS**

- A. Recommend parole date rescission or retardation.**
- B. Forfeit and/or withhold earned statutory good time or non-vested good conduct time (up to 100%) and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).**
- B.1. Disallow ordinarily between 50% and 75% (27-41 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).**
- C. Disciplinary segregation (up to 12 months).**

- D. Make monetary restitution.
- E. Monetary fine.
- F. Loss of privileges (e.g., visiting, telephone, commissary, movies, recreation).
- G. Change housing (quarters).
- H. Remove from program and/or group activity.
- I. Loss of job.
- J. Impound inmate's personal property.
- K. Confiscate contraband.
- L. Restrict to quarters.
- M. Extra duty.

#### **HIGH SEVERITY LEVEL PROHIBITED ACTS**

- 200 Escape from a work detail, non-secure institution, or other non-secure confinement, including community confinement, with subsequent voluntary return to Bureau of Prisons custody within four hours.
- 201 Fighting with another person.
- 202 (Not to be used).
- 203 Threatening another with bodily harm or any other offense.
- 204 Extortion; blackmail; protection; demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing.
- 205 Engaging in sexual acts.
- 206 Making sexual proposals or threats to another.
- 207 Wearing a disguise or a mask.

- 208 **Possession of any unauthorized locking device, or lock pick, or tampering with or blocking any lock device (includes keys), or destroying, altering, interfering with, improperly using, or damaging any security device, mechanism, or procedure.**
- 209 **Adulteration of any food or drink.**
- 210 **(Not to be used).**
- 211 **Possessing any officer's or staff clothing.**
- 212 **Engaging in or encouraging a group demonstration.**
- 213 **Encouraging others to refuse to work, or to participate in a work stoppage.**
- 214 **(Not to be used).**
- 215 **(Not to be used).**
- 216 **Giving or offering an official or staff member a bribe, or anything of value.**
- 217 **Giving money to, or receiving money from, any person for the purpose of introducing contraband or any other illegal or prohibited purpose.**
- 218 **Destroying, altering, or damaging government property, or the property of another person, having a value in excess of \$100.00, or destroying, altering, damaging life-safety devices (e.g., fire alarm) regardless of financial value.**
- 219 **Stealing; theft (including data obtained through the unauthorized use of a communications device, or through unauthorized access to disks, tapes, or computer printouts or other automated equipment on which data is stored).**
- 220 **Demonstrating, practicing, or using martial arts, boxing (except for use of a punching bag), wrestling, or other forms of physical encounter, or military exercises or drill (except for drill authorized by staff).**
- 221 **Being in an unauthorized area with a person of the opposite sex without staff permission.**
- 222 **(Not to be used).**
- 223 **(Not to be used).**

- 224 **Assaulting any person (a charge at this level is used when less serious physical injury or contact has been attempted or accomplished by an inmate).**
- 225 **Stalking another person through repeated behavior which harasses, alarms, or annoys the person, after having been previously warned to stop such conduct.**
- 226 **Possession of stolen property.**
- 227 **Refusing to participate in a required physical test or examination unrelated to testing for drug abuse (e.g., DNA, HIV, tuberculosis).**
- 228 **Tattooing or self-mutilation.**
- 229 **Sexual assault of any person, involving non-consensual touching without force or threat of force.**
- 231 **Requesting, demanding, pressuring, or otherwise intentionally creating a situation, which causes an inmate to produce or display his/her own court documents for any unauthorized purpose to another inmate.**
- 296 **Use of the mail for abuses other than criminal activity which circumvent mail monitoring procedures (e.g., use of the mail to commit or further a High category prohibited act, special mail abuse; writing letters in code; directing others to send, sending, or receiving a letter or mail through unauthorized means; sending mail for other inmates without authorization; sending correspondence to a specific address with directions or intent to have the correspondence sent to an unauthorized person; and using a fictitious return address in an attempt to send or receive unauthorized correspondence).**
- 297 **Use of the telephone for abuses other than illegal activity which circumvent the ability of staff to monitor frequency of telephone use, content of the call, or the number called; or to commit or further a High category prohibited act.**
- 298 **Interfering with a staff member in the performance of duties most like another High severity prohibited act. This charge is to be used only when another charge of High severity is not accurate. The offending conduct must be charged as "most like" one of the listed High severity prohibited acts.**
- 299 **Conduct which disrupts or interferes with the security or orderly running of**

the institution or the Bureau of Prisons most like another High severity prohibited act. This charge is to be used only when another charge of High severity is not accurate. The offending conduct must be charged as "most like" one of the listed High severity prohibited acts.

#### **AVAILABLE SANCTIONS FOR HIGH SEVERITY LEVEL PROHIBITED ACTS**

- A. Recommend parole date rescission or retardation.**
- B. Forfeit and/or withhold earned statutory good time or non-vested good conduct time up to 50% or up to 60 days, whichever is less, and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).**
- B.1 Disallow ordinarily between 25% and 50% (14-27 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).**
- C. Disciplinary segregation (up to 6 months).**
- D. Make monetary restitution.**
- E. Monetary fine.**
- F. Loss of privileges (e.g., visiting, telephone, commissary, movies, recreation).**
- G. Change housing (quarters).**
- H. Remove from program and/or group activity.**
- I. Loss of job.**
- J. Impound inmate's personal property.**
- K. Confiscate contraband.**
- L. Restrict to quarters.**
- M. Extra duty.**

#### **MODERATE SEVERITY LEVEL PROHIBITED ACTS**

- 300 Indecent Exposure.**

- 301 **(Not to be used).**
- 302 **Misuse of authorized medication.**
- 303 **Possession of money or currency, unless specifically authorized, or in excess of the amount authorized.**
- 304 **Loaning of property or anything of value for profit or increased return.**
- 305 **Possession of anything not authorized for retention or receipt by the inmate, and not issued to him through regular channels.**
- 306 **Refusing to work or to accept a program assignment.**
- 307 **Refusing to obey an order of any staff member (may be categorized and charged in terms of greater severity, according to the nature of the order being disobeyed, e.g. failure to obey an order which furthers a riot would be charged as 105, Rioting; refusing to obey an order which furthers a fight would be charged as 201, Fighting; refusing to provide a urine sample when ordered as part of a drug-abuse test would be charged as 110).**
- 308 **Violating a condition of a furlough.**
- 309 **Violating a condition of a community program.**
- 310 **Unexcused absence from work or any program assignment.**
- 311 **Failing to perform work as instructed by the supervisor.**
- 312 **Insolence towards a staff member.**
- 313 **Lying or providing a false statement to a staff member.**
- 314 **Counterfeiting, forging, or unauthorized reproduction of any document, article of identification, money, security, or official paper (may be categorized in terms of greater severity according to the nature of the item being reproduced, e.g., counterfeiting release papers to effect escape, Code 102).**
- 315 **Participating in an unauthorized meeting or gathering.**
- 316 **Being in an unauthorized area without staff authorization.**
- 317 **Failure to follow safety or sanitation regulations (including safety**

regulations, chemical instructions, tools, MSDS sheets, OSHA standards).

- 318 Using any equipment or machinery without staff authorization.
- 319 Using any equipment or machinery contrary to instructions or posted safety standards.
- 320 Failing to stand count.
- 321 Interfering with the taking of count.
- 322 (Not to be used).
- 323 (Not to be used).
- 324 Gambling.
- 325 Preparing or conducting a gambling pool.
- 326 Possession of gambling paraphernalia.
- 327 Unauthorized contacts with the public.
- 328 Giving money or anything of value to, or accepting money or anything of value from, another inmate or any other person without staff authorization.
- 329 Destroying, altering, or damaging government property, or the property of another person, having a value of \$100.00 or less.
- 330 Being unsanitary or untidy; failing to keep one's person or quarters in accordance with posted standards.
- 331 Possession, manufacture, introduction, or loss of a non-hazardous tool, equipment, supplies, or other non-hazardous contraband (tools not likely to be used in an escape or escape attempt, or to serve as a weapon capable of doing serious bodily harm to others, or not hazardous to institutional security or personal safety) (other non-hazardous contraband includes such items as food, cosmetics, cleaning supplies, smoking apparatus and tobacco in any form where prohibited, and unauthorized nutritional/dietary supplements).
- 332 Smoking where prohibited.
- 333 Fraudulent or deceptive completion of a skills test (e.g., cheating on a GED,

or other educational or vocational skills test).

- 334 **Conducting a business; conducting or directing an investment transaction without staff authorization.**
- 335 **Communicating gang affiliation; participating in gang related activities; possession of paraphernalia indicating gang affiliation.**
- 336 **Circulating a petition.**
- 396 **Use of the mail for abuses other than criminal activity which do not circumvent mail monitoring; or use of the mail to commit or further a Moderate category prohibited act.**
- 397 **Use of the telephone for abuses other than illegal activity which do not circumvent the ability of staff to monitor frequency of telephone use, content of the call, or the number called; or to commit or further a Moderate category prohibited act.**
- 398 **Interfering with a staff member in the performance of duties most like another Moderate severity prohibited act. This charge is to be used only when another charge of Moderate severity is not accurate. The offending conduct must be charged as "most like" one of the listed Moderate severity prohibited acts.**
- 399 **Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Moderate severity prohibited act. This charge is to be used only when another charge of Moderate severity is not accurate. The offending conduct must be charged as "most like" one of the listed Moderate severity prohibited acts.**

#### **AVAILABLE SANCTIONS FOR MODERATE SEVERITY LEVEL PROHIBITED ACTS**

- A. Recommend parole date rescission or retardation.**
- B. Forfeit and/or withhold earned statutory good time or non-vested good conduct time up to 25% or up to 30 days, whichever is less, and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).**
- B.1 Disallow ordinarily up to 25% (1-14 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).**
- C. Disciplinary segregation (up to 3 months).**

- D. Make monetary restitution.
- E. Monetary fine.
- F. Loss of privileges (e.g., visiting, telephone, commissary, movies, recreation).
- G. Change housing (quarters).
- H. Remove from program and/or group activity.
- I. Loss of job.
- J. Impound inmate's personal property.
- K. Confiscate contraband.
- L. Restrict to quarters.
- M. Extra duty.

#### LOW SEVERITY LEVEL PROHIBITED ACTS

- 400 (Not to be used).
- 401 (Not to be used).
- 402 Malingering, feigning illness.
- 403 (Not to be used).
- 404 Using abusive or obscene language.
- 405 (Not to be used).
- 406 (Not to be used).
- 407 Conduct with a visitor in violation of Bureau regulations.
- 408 (Not to be used).
- 409 Unauthorized physical contact (e.g., kissing, embracing).
- 498 Interfering with a staff member in the performance of duties most like

another Low severity prohibited act. This charge is to be used only when another charge of Low severity is not accurate. The offending conduct must be charged as “most like” one of the listed Low severity prohibited acts.

- 499 Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Low severity prohibited act. This charge is to be used only when another charge of Low severity is not accurate. The offending conduct must be charged as “most like” one of the listed Low severity prohibited acts.

#### AVAILABLE SANCTIONS FOR LOW SEVERITY LEVEL PROHIBITED ACTS

- B.1 Disallow ordinarily up to 12.5% (1-7 days) of good conduct time credit available for year (to be used only where inmate found to have committed a second violation of the same prohibited act within 6 months); Disallow ordinarily up to 25% (1-14 days) of good conduct time credit available for year (to be used only where inmate found to have committed a third violation of the same prohibited act within 6 months) (a good conduct time sanction may not be suspended).
- D. Make monetary restitution.
- E. Monetary fine.
- F. Loss of privileges (e.g., visiting, telephone, commissary, movies, recreation).
- G. Change housing (quarters).
- H. Remove from program and/or group activity.
- I. Loss of job.
- J. Impound inmate’s personal property.
- K. Confiscate contraband
- L. Restrict to quarters.
- M. Extra duty.

**Table 2. ADDITIONAL AVAILABLE SANCTIONS FOR REPEATED PROHIBITED ACTS WITHIN THE SAME SEVERITY LEVEL**

<b>Prohibited Act Severity Level</b>	<b>Time Period for Prior Offense (same code)</b>	<b>Frequency of Repeated Offense</b>	<b>Additional Available Sanctions</b>
<b>Low Severity (400 level)</b>	<b>6 months</b>	<b>2<sup>nd</sup> offense</b>	1. Disciplinary segregation (up to 1 month). 2. Forfeit earned SGT or non-vested GCT up to 10% or up to 15 days, whichever is less, and/or terminate or disallow extra good time (EGT) (an EGT sanction may not be suspended).
		<b>3<sup>rd</sup> or more offense</b>	Any available Moderate severity level sanction (300 series).
<b>Moderate Severity (300 level)</b>	<b>12 months</b>	<b>2<sup>nd</sup> offense</b>	1. Disciplinary segregation (up to 6 months). 2. Forfeit earned SGT or non-vested GCT up to 37 1/2% or up to 45 days, whichever is less, and/or terminate or disallow EGT (an EGT sanction may not be suspended).
		<b>3<sup>rd</sup> or more offense</b>	Any available High severity level sanction (200 series).
<b>High Severity (200 level)</b>	<b>18 months</b>	<b>2<sup>nd</sup> offense</b>	1. Disciplinary segregation (up to 12 months). 2. Forfeit earned SGT or non-vested GCT up to 75% or up to 90 days, whichever is less, and/or terminate or disallow EGT (an EGT sanction may not be suspended).
		<b>3<sup>rd</sup> or more offense</b>	Any available Greatest severity level sanction (100 series).
<b>Greatest Severity (100 level)</b>	<b>24 months</b>	<b>2<sup>nd</sup> or more offense</b>	Disciplinary Segregation (up to 18 months).

# **EXHIBIT 7**

## **PROGRAM STATEMENT**

### **1480.05 NEWS MEDIA CONTACTS (9/21/2000)**



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# Program Statement

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OPI: IPD  
NUMBER: 1480.05  
DATE: 9/21/2000  
SUBJECT: News Media Contacts

1. [PURPOSE AND SCOPE] §540.60. The Bureau of Prisons recognizes the desirability of establishing a policy that affords the public information about its operations via the news media. Representatives of the news media (see §540.2) may visit institutions for the purpose of preparing reports about the institution, programs, and activities. It is not the intent of this rule to provide publicity for an inmate or special privileges for the news media, but rather to insure a better informed public. The Bureau of Prisons also has a responsibility to protect the privacy and other rights of inmates and members of the staff. Therefore, an interview in an institution must be regulated to insure the orderly and safe operation of the institution.]

§540.2 refers to Section 6 of this Program Statement.

These rules apply to inmates in Federal institutions. When a Federal prisoner is confined in any non-Federal facility the local or state facility rules and regulations will govern.

This policy shall not restrict the union's role in representing bargaining unit employees in their day-to-day, labor-management relations as outlined by law, the Hatch Act, and Federal Labor Relations Authority decisions. Union officials will be allowed to represent the Bargaining Unit in their official capacity (e.g., providing interviews with the print or broadcast media, placing advertisements in newspapers, appearing on public talk shows and radio stations, and speaking at conferences and conventions) without fear or reprisal from the employer or representatives of the employer. The Union representative will be designated as outlined in the master agreement.

**[Bracketed Bold - Rules]**

Regular Type - Implementing Text

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2. **SUMMARY OF CHANGES.** This re-issuance establishes guidelines regarding the disclosure of names of Bureau employees to the news media.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

- a. The public will be informed about the Bureau's operations through contacts with news media representatives.
- b. The privacy and other rights of both inmates and staff will be protected, including the right of an inmate not to be photographed or recorded.
- c. Representatives of the news media will be informed of procedures through which they may request interviews with prisoners in Federal institutions.
- d. Staff will be able to identify representatives of the news media who qualify to interview prisoners in Federal institutions.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

PS 1480.04 Contact with News Media (5/19/99)

b. **Directives Referenced**

PS 1351.04	Release of Information (12/5/96)
PS 5264.06	Telephone Regulations for Inmates (12/22/95)
PS 5265.11	Correspondence (7/9/99)
PS 5502.07	Duty Officer Guidelines and Reporting Procedures (12/31/97)
PS 7300.09	Community Corrections Manual (1/12/98)

Resolution 22, Department of Justice (8/3/98)

c. Rules cited in this Program Statement are contained in 28 CFR 540.2(b) and 540.60-65

5. **STANDARDS REFERENCED**

a. American Correctional Association 3<sup>rd</sup> Edition Standards for Adult Correctional Institutions: 3-4022

b. American Correctional Association 3<sup>rd</sup> Edition Standards for Adult Local Detention Facilities: 3-ALDF-1A-19

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c. American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-1A-19

d. American Correctional Association 2<sup>nd</sup> Edition Standards for the Administration of Correctional Agencies: 2-CO-1A-27

6. [**DEFINITIONS** §540.2(b)]. "Representatives of the news media" means persons whose principal employment is to gather or report news for:

a. A newspaper which qualifies as a general circulation newspaper in the community in which it is published. A newspaper is one of "general circulation" if it circulates among the general public and if it publishes news of a general character of general interest to the public such as news of political, religious, commercial, or social affairs. A key test to determine whether a newspaper qualifies as a "general circulation" newspaper is to determine whether the paper qualifies for the purpose of publishing legal notices in the community in which it is located or the area to which it distributes;

b. A news magazine which has a national circulation and is sold by newsstands and by mail subscription to the general public;

c. A national or international news service; or

d. A radio or television news program, whose primary purpose is to report the news, of a station holding a Federal Communications Commission license.]

7. [**AUTHORIZATION** §540.61

a. A news media representative who desires to make a visit or conduct an interview at an institution must make application in writing to the Warden, indicating that he or she is familiar with the rules and regulations of the institution and agrees to comply with them.]

This will be accomplished by the use of an agreement similar to the News Representatives Agreement form (BP-S232.014), available on BOPDOCS.

[b. As a condition of authorizing interviews and making facilities available to conduct an interview, the news media representative shall recognize a professional responsibility to

make reasonable attempts to verify any allegations regarding an inmate, staff member or institution.

c. A representative of the news media is requested to provide the Bureau of Prisons an opportunity to respond to any allegation, which might be published or broadcast prior to distribution.

d. A representative of the news media shall collect information only from the primary source. A representative of the news media may not obtain and use personal information from one inmate about another inmate who refuses to be interviewed.

e. The Warden may be contacted concerning discussions or comments regarding applicability of any rule or order.

f. Failure to adhere to the standards of conduct set forth by this rule for the news media representative constitutes grounds for denying that news media representative, or the news organization which he or she represents, permission to conduct an interview.

g. Any questions as to the meaning or application of this subpart are resolved by the Director of the Bureau of Prisons.]

8. [INSTITUTIONAL VISITS §540.62

a. A media representative shall make advance appointments for visits.

b. When media representatives visit the institutions, photographs of programs and activities may be taken, and media representatives may meet with groups of inmates engaged in authorized programs and activities. An inmate has the right not to be photographed and not to have his or her voice recorded by the media. A visiting representative of the media is required to obtain written permission from an inmate before photographing or recording the voice of an inmate participating in authorized programs and activities.]

(1) Use of the inmate's name, identifiable photographs, or voice recording is not recommended.

(2) The News Interview Authorization form (BP-S233.014), available on BOPDOCS, must be used by the media when making a

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request for interview, photographs, voice recording, and appointments for institutional visits with inmates.

(3) The original copy of the News Interview Authorization is to be placed in the Inmate Central File and a copy is to be sent to the media representative making the request.

**[c. The Warden may suspend all media visits during an institutional emergency and for a reasonable time after the emergency.]**

**d. An inmate currently confined in an institution may not be employed or act as a reporter.**

**e. Interviews by reporters and others not included in §540.2 may be permitted only by special arrangement and with approval of the Warden.]**

The Warden may approve institution visits and interviews requested by writers for the purpose of writing a book. Such approval is contingent upon the writer:

- (1) Submitting verification of his or her previously published book(s); or
- (2) Submitting a letter from a recognized publishing company that indicates the publisher's contractual support of the book.

**9. [PERSONAL INTERVIEWS §540.63]**

**a. An inmate may not receive compensation or anything of value for interviews with the news media.**

**b. Either an inmate or a representative of the news media may initiate a request for a personal interview at an institution.**

**c. Visits by the news media to conduct personal interviews are subject to the same conditions stated in §540.62. A media representative shall make a request for personal interview within a reasonable time prior to the personal interview.]**

§540.62 refers to Section 8 of this Program Statement.

**[d. Staff shall notify an inmate of each interview request, and shall, as a prerequisite, obtain from the inmate written consent for the interview prior to the interview taking place.]**

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The written consent or denial becomes part of the inmate's central file.]

The inmate who agrees to an interview must complete a BP-S233.014, available on BOPDOCS.

[e. As a prerequisite to granting the interview, an inmate must authorize the institutional staff to respond to comments made in the interview and to release information to the news media relative to the inmate's comments.

f. The Warden shall normally approve or disapprove an interview request within 24 to 48 hours of the request.

g. The Warden shall document any disapproval. A request for interview may be denied for any of the following reasons.

(1) The news media representative, or the news organization which he or she represents, does not agree to the conditions established by this subpart or has, in the past, failed to abide by the required conditions.

(2) The inmate is physically or mentally unable to participate. This must be supported by a medical officer's statement (a psychologist may be used to verify mental incapacity) to be placed in the inmate's record, substantiating the reason for disapproval.

(3) The inmate is a juvenile (under age 18) and written consent has not been obtained from the inmate's parent or guardian. If the juvenile inmate's parents or guardians are not known or their addresses are not known, the Warden of the institution shall notify the representative of the news media of the inmate's status as a juvenile, and shall then consider the request.]

The inmate's written consent, as specified in subsection 9.d., is required.

[(4) The interview, in the opinion of the Warden, would endanger the health or safety of the interviewer, or would probably cause serious unrest or disturb the good order of the institution.

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(5) The inmate is involved in a pending court action and the court having jurisdiction has issued an order forbidding such interviews.

(6) In the case of unconvicted persons (including competency commitments under 18 U.S.C. 4244 and 4246) held in federal institutions, interviews are not authorized until there is clearance with the court having jurisdiction, ordinarily through the U.S. Attorney's Office.]

In some districts, there may be a standing authorization for interviews, in the absence of individual "gag orders," but in other districts, all pretrial inmates may need to be cleared upon request for interviews.

[(7) The inmate is a "protection" case and revelation of his or her whereabouts would endanger the inmate's safety.

h. Interviews are normally held in the institution visiting room during normal weekday business hours. The Warden may:

(1) Determine that another location is more suitable for conducting the interview;

(2) Limit interview time for the entire institution if the Warden determines that the interviews are imposing a serious drain on staff or use of the facilities;

(3) Limit to one one-hour interview per month for an inmate in segregation, restricted, holdover, control unit, or hospital status if required by special security, custodial, or supervisory needs; and

(4) Limit the amount of audio, video, and film equipment or number of media personnel entering the institution if the Warden determines that the requested equipment or personnel would create a disruption within the institution.]

For example, in the case of interviews conducted in visiting rooms which are frequently crowded, or in visiting rooms of maximum security institutions, the Warden may limit the equipment to hand held cameras or recorders.

[i. In conjunction with the personal interview, if the member of the media wishes to tour the institution, he or she must comply with the provisions of § 540.61.]

\$540.61 refers to Section 7 of this Program Statement.

[j. Interviews are not subject to auditory supervision.]

10. [PRESS POOLS \$540.64

a. The Warden may establish a press pool whenever he or she determines that the frequency of requests for interviews and visits reaches a volume that warrants limitations.

b. Whenever the Warden establishes a press pool, the Warden shall notify all news media representatives who have requested interviews or visits that have not been conducted. Selected representatives are admitted to the institution to conduct the interviews under the specific guidelines established by the Warden.

c. All members of the press pool are selected by their peers and consist of not more than one representative from each of the following groups:

- (1) The national and international news services;
- (2) The television and radio networks and outlets;
- (3) The news magazines and newspapers; and
- (4) All media in the local community where the institution is located.

If no interest has been expressed by one or more of these groups, no representative from such group need be selected.

d. All news material generated by such a press pool is made available to all media without right of first publication or broadcast.]

11. [RELEASE OF INFORMATION \$540.65

a. The Warden shall promptly make announcements stating the facts of unusual, newsworthy incidents to local news media. Examples are deaths, inside escapes, and institution emergencies.]

The text of such messages must be transmitted to the Central Office as part of the reports required on the incidents to which they relate. If it can reasonably be assumed that the wire services or the Washington news media will make an inquiry at the Central Office, the text should be communicated to the Central Office by telephone.

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[b. The Warden shall provide information about an inmate that is a matter of public record to the representatives of the media upon request. The information is limited to the inmate's:

- (1) Name;
- (2) Register number;
- (3) Place of incarceration;]

The release of inmate designation information is prohibited. An inmate's designation place of incarceration becomes public information only after the inmate has arrived at the designated institution.

[(4) Age;

(5) Race;

(6) Conviction and sentencing data: this includes the offense(s) for which convicted, the court where convicted, the date of sentencing, the length of sentence(s), the amount of good time earned, the parole eligibility date and parole release (presumptive or effective) date, and the date of expiration of sentence, and includes previous Federal, state, and local convictions;

(7) Past movement via transfers or writs;

(8) General institutional assignments.]

The Warden of each institution, or his or her designated representative, is solely responsible for contact with the press. Other staff members are to refer all press inquiries to the Warden or his or her designee.

[c. Information in paragraphs (b) (1) through (8) of this section may not be released if confidential for protection cases.

d. A request for additional information concerning an inmate by a representative of the news media is referred to the Public Information Officer, Central Office, Washington, D.C.

e. The Public Information Officer, Central Office, Washington, D.C. shall release all announcements related to:

- (1) Bureau of Prisons policy;
- (2) Changes in an institutional mission;
- (3) Type of inmate population; or
- (4) Changes in executive personnel.]

12. RELEASE OF STAFF NAMES

a. **Guidelines.** When a BOP employee is directly involved in a newsworthy event, the BOP and/or the Department of Justice, Office of Public Affairs, may release the name of the employee in response to a media request unless a designated official at the BOP determines that:

- (1) it is reasonable to believe that:
  - (i) release could reasonably compromise a pending investigation; or
  - (ii) release could compromise a confidential source.
- (2) it is reasonable to believe that:
  - (i) a disclosure could lead to harassment, violence, or retaliation against the employee, other federal employees, or the employee's family; or
  - (ii) a disclosure could lead to press inquiries that would interfere with the employee's work.
- (3) the employee was killed or seriously injured and his or her family has not yet been notified;
- (4) the employee is the subject of allegations of wrongdoing, and an internal investigation or disciplinary process is pending or imminent;
- (5) the employee's identity was publicly known at the time of the event, but the incident has been obscured by the passage of time and is no longer the subject of substantial news attention; or

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- (6) there is a specific and articulable basis upon which to conclude that the employee's name should not be released for operational or investigative reasons other than those listed above. If the BOP decides to withhold an employee's name under this section, it would be required to advise the Department's Office of Public Affairs as soon as possible.

b. **Agency/Employee Consent.** If the BOP consents to the release under Section 12.a. and the information is not maintained under the employee's name, the BOP and/or the Department of Justice, Office of Public Affairs, may release the name of the employee.

In those instances in which the information is maintained under the employee's name, and therefore the Privacy Act must be considered, the information may be released if the employing agency and the employee consent or there is an exception under the Privacy Act which applies. In either case, the employee should be notified of the release, if possible.

13. **INSTITUTION SUPPLEMENT.** Each institution must develop an Institution Supplement to implement this Program Statement. The Institution Supplement is to include, at a minimum, procedures for responding to media inquiries received after normal duty hours. Prior to implementation, the Institution Supplement is to be submitted to the appropriate Regional Director for approval.

/s/  
Kathleen Hawk Sawyer  
Director

# **EXHIBIT 8**

## **INCIDENT REPORT NUMBER**

### **3466318**

BP-A0288

Jan 17

U.S. DEPARTMENT OF JUSTICE

## INCIDENT REPORT

FEDERAL BUREAU OF PRISONS

## Part I - Incident Report

1. Institution: 9NL Taylor Street Center		Incident Report Number:	
2. Inmate's Name: Washington, Keith Harry	3. Register Number 34481-037	4. Date Of Incident 01/10/2021	5. Time 1600
6. Place Of Incident Taylor Street Admin Area	7. Assignment Pre-Release	8. Unit Room 232	
9. Incident: Unauthorized contact with the public		10. Code: 327 / 297	

11. Description of Incident (Date: 1/10/2021 Time: 16:00 Staff became aware of incident)

At approximately 16:00 on January 10, 2021, I Case Manager Will Gomez was conducting a Ce Phone search. I confiscated Resident Washington, Keith Harry iPhone Xr. As I was searchin through the photo album on the phone, there was a picture of Taylor Street Memo from Janu 8, 2021. I continued my search on the phone through the text messages and I found Residen Washington sent the picture of the memo mentioned above with to Tim Redmond.

Resident Washington started the conversation with "Covid outbreak here Tim" with the pict attached.

Time responded, "Whoa can I call u in am".

Resident Washington responded "Yes."

Tim replied, "Ok".

Resident Washington replied "Sorry to bother you but this was breaking news".

Tim responded "No worries will call".

Resident Washington sent the twitter link "BREAKING: COVID outbreak at SF re-entry progra run by San Francisco private prison and immigration camp profiteer GEO Group" to Tim.

As per the policy of the BOP, "Interviews by reporters and others.. may be permitted only special arrangement and with approval."

Tim Redmond has proceeded to email Maria Richard asking for more information. Tim has ask " Hi, I'm a reporter with 48hills.org, and I just got a press release about COVID at the Taylor Center. Can you tell me if there are currently active cases, and what's being done DO the people who live there know who has tested positive?

Are there any plans to move out of the center people who are close to the end of their probation and have jobs and a place to go?

Thanks so much."

On 9/3/2020, Resident Washington signed the Cell Phone Agreement that the phone is to be used to employment purposes, family contact and contact with your non-felon friends. The agreement also says, do not record or take pictures at the facility.

Based on the above facts I, Will Gomez, with violating prohibited Act Code 327; Unauthorized contact with the public. + 297 -phone abuse

12. Typed Name/Signature Of Reporting Employee Will Gomez	13. Date And Time 1/10/2021 17:00	
14. Incident Report Delivered To Above Inmate By (Type Name/Signature)  [Signature]	15. Date Incident Report Delivered 1/10/21	16. Time Incident Report Delivered 0736

**Part II - CDC Action****17. Comments of Inmate to CDC Regarding Above Incident**

Mr. Washington was cooperative and polite. He stated he was exercising his right to free speech. He said he has numerous friends that are reporters. M. Redmon is a friend and colleague. He gave him the information knowing he should not take pictures of GEO documents. He said he works at Bay News and his family/friends & support group are all media

**18. A. It is The Finding Of The CDC That You:**

- Committed the following Prohibited Act.  
 Do not commit a Prohibited Act.

- B. \_\_\_\_\_ The CDC is referring the charge(s) to the DHO  
 For further hearing.  
 C. \_\_\_\_\_ The CDC advised the offender of its finding  
 end of the right to file an appeal within 20 calendar days

**19. Committee Decision Is Based On The Following Information**

Cell phone lap top acknowledgement signed by Washington on 9/3/2020 states he can not record or take pictures. He also is aware he can not have unauthorized contact w/ media or public and discuss GEO or BOP matters. Washington knowing contacted media rep to discuss facility matter.

**20. Comments Action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act)**

Loss of phone for 30 days.

10/6/2021

21. Date and time of action 10/11/2021 (The CDC Chairperson's signature next to name certifies who set on the UDC that the completed report accurately reflects the CDC proceedings.)

M. Richard Maria Richa g  
 Chairperson (Type Name/Signature)

Member (Type Name)

Member (Type Name)

**Part III - Investigation**

22. Date and Time Investigation Began

01/11/21 0738

23. Offender advised of right to remain silent: You are advised of your right to remain silent at all stages of the disciplinary process but are informed that your silence may be used to draw an adverse inference against you at any stage of the institutional disciplinary process. You are also informed that your silence alone may not be used to support a finding that you have committed a Prohibited Act.

The Offender was advised of the above right by Timilehin Ogunlusi At (Date/time) 01/11/21 0748

24. Offender Statement and Attitude

The US Constitution guarantees my right to exercise my first amendment right to free speech. Communicating a risk of public harm to the media and to the public is my duty as a member of the media, as a believer in God and as a citizen of the United States of America. I will exercise my rights.

25. Other Facts About the Incident, Statement Of Those Person Present At Scene, Disposition Of Evidence, Etc.

*Review of cell phone records*

*Review of cell phone rules acknowledgement*

26. Investigator's Comments and Conclusions

This matter should be referred to CDC for further investigation.

27. Action Taken  
Refer to CDC

Date and Time Investigation Completed 01/11/21 0753

Printed Name/signature Of Investigator Timilehin Tolue Ogunlusi



Signature

Case Manager

Title

GEO Registry Services Taylor Street BOP



## MEMORANDUM

To: All Residents

From: Facility Director

RE: CELL PHONES/ LAPTOP / COMPUTER EQUIPMENT

Please remember having a cell phone while you are a resident at Taylor Street is a Privilege – not a Right.

The phone is to be used for employment purposes, family contact and contact with your non-felon friends.

You may not use a cell phone to communicate with other residents of the Facility. Do not record or take pictures at the facility. Your phone will be confiscated if you do either.

The phone must be approved before you can use it. fill out cell phone request form and give to your case manager.

The phone is subject to search at any time and will be confiscated at any time. no suggestive or pornographic videos or pictures will be permitted on phones.

Lap tops/ Tablets/ I pads - you must make a written request to Director stating the specific need and use. This must be approved by USPO/ BOP and or Director. All devices can be searched at any time by any staff. Failure to allow staff to review device is refusing an order and may be grounds for Return to custody or termination from program

I understand and agree with the above requirements:

Name Keith Waling date 9-3-2020

四

Whoa can I call u in am

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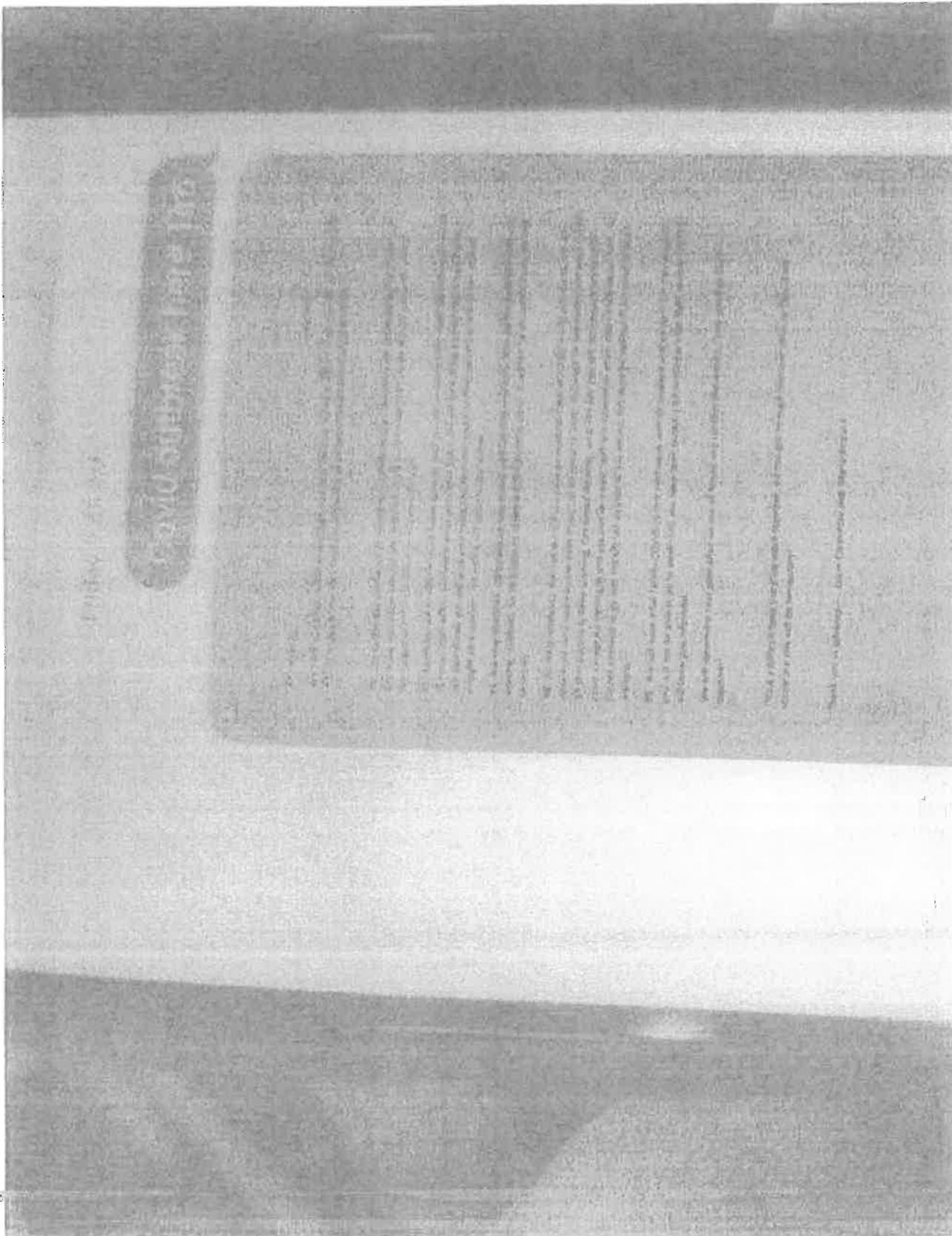
With-Maria Richard : Outbox

Outbox

1/16/2021 11:45:22 AM

**BREAKING: COVID outbreak at SF re-entry program run by San Francisco private prison and immigration camp profiteer GEO Group.** [@aura\\_waxee @geo\\_group](#) [@carmoj](#) [@TheBeStMuala](#) [@fifteenall](#)

Liam Ball



Mari Richard - Outlook

1/10/2021

1/10/2021

1/10/2021

Gwendolyn Westbrook

Hi Gwendolyn! I hope you're well. I just wanted to check in about the problem with the  
links and attachments in my email. I'm sorry if I've been causing you trouble.

Tim Redmond

Hi Gwendolyn! I'm sorry for the trouble. I've been having some issues with my email client recently. I've been getting a lot of attachments and links that aren't working correctly. I'm sorry for any inconvenience this has caused you. I'll be sure to double check my attachments and links from now on.

Lin Robertson

Hi Gwendolyn! Enjoy your weekend! I hope you have a great time. I'm sorry for any trouble I may have caused you. I'll be sure to double check my attachments and links from now on.

Talib Mustafa

Hi Gwendolyn! Enjoy your weekend! I hope you have a great time. I'm sorry for any trouble I may have caused you. I'll be sure to double check my attachments and links from now on.

1/16/2021

Mail - Maria Richard - Outlook

[EXTERNAL] Media question about COVID at Taylor Center

tim redmond <timredmond@sf.gmial.com>

Sat 1/9/2021 3:59 PM

To: Maria Richard <mrichard@geogroup.com>

Hi, I'm a reporter with 4Bills.org, and I just got a press release about COVID at the Taylor Center. Can you tell me if there are currently active cases, and what's being done? DO the people who live there know who has tested positive?

Are there any plans to move out of the center people who are close to the end of their probation and have jobs and a place to go?

Thanks so much.

# **EXHIBIT 9**

## **NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING**

BP-A0207 NOTICE OF CENTER DISCIPLINE COMMITTEE HEARING (CCC'S) CDFRM  
JUN 10

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Date 01/11/21	Facility 111 Taylor Street
Inmate Washington, Keith	Register Number 34481-037

**Alleged Violation(s)**

Unauthorized contact with the public

Date of Offense 01/10/21	Code Number 327
-----------------------------	--------------------

You are being referred to the Center Discipline Committee for the above charge(s).

The hearing will be held on: 1/11/2021 at 11:00 (A.M. / P.M.)

at the following location: 111 Taylor Street 9NC

You are entitled to have a staff member represent you at the hearing. Please indicate below whether you desire to have a staff representative, and if so, his or her name.

Inmate's Initials  I (do) wish to have a staff representative.

Inmate's Initials  I (do not) wish to have a staff representative.

If so, the staff representative's name is:

You will also have the right to call witnesses at the hearing and to present documentary evidence in your behalf, provided calling your witnesses will not jeopardize Center safety. Names of witnesses you wish to call should be listed below.

Inmate's Initials:  Briefly state what each proposed witness would be able to testify to.

Name: \_\_\_\_\_ Can Testify to: \_\_\_\_\_

Name: \_\_\_\_\_ Can Testify to: \_\_\_\_\_

Name: \_\_\_\_\_ Can Testify to: \_\_\_\_\_

The Chairman of the Center Discipline Committee will call those witnesses (Staff or Inmate) who are reasonably available, and who are determined by him/her to be necessary for an appreciation of the circumstances surrounding the charge(s). Repetitive witnesses need not to be called. Unavailable witnesses may be asked to submit written statements.

Date, sign, and return this form to the Chairman of the Center Discipline Committee.

Date 01/11/21	Employee Signature No. <i>Keith Washington</i>	34481-037
Notice of hearing given to inmate by: Employee Signature <i>Timothy J. O'Neil</i>		Date 01/11/21

# **EXHIBIT 10**

## **INMATE RIGHTS AT CENTER**

## **DISCIPLINE COMMITTEE**

## **HEARING**

BP-A0206 INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING (RRC'S) CDFRM  
JUN 10

U.S. DEPARTMENT OF JUSTICE

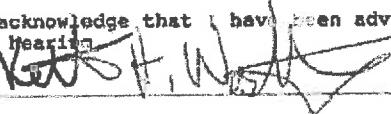
FEDERAL BUREAU OF PRISONS

Taylor Street Center  
Facility

As an inmate charged with a violation of Center rules or regulations referred to the Discipline Committee for disposition, you have the following rights:

1. The right to have a written copy of the charge(s) against you at least 24 hours prior to appearing before the Center Discipline Committee;
2. The right to have a member of the staff who is reasonably available represent you before the Center Discipline Committee;
3. The right to call witnesses and present documentary evidence in your behalf, provided Center safety would not be jeopardized;
4. The right to remain silent. Your silence may be used to draw an adverse inference against you. However, your silence alone may not be used to support a finding that you committed a prohibited act;
5. The right to be present throughout the Center Discipline Committee hearing except during Committee deliberations and except where Center safety would be jeopardized;
6. The right to be advised of the Center Discipline Committee recommendation and Bureau of Prisons' decision, the facts supporting the recommendation and decision, except where Center safety would be jeopardized, and the disposition in writing; and,
7. The right to contest under Administrative Remedy procedures or by letter the Bureau of Prisons' decision to the Regional Director within 20 days of notice of the decision and disposition.

I hereby acknowledge that I have been advised of the above rights afforded me at a Center Discipline Committee hearing.

Signed:  Reg. No.: 34481-037 Date: 01/11/21

Notice of rights given to Inmate on 01/11/21 by Tumlahin Tope Oquinal  
Date Employee Signature

INMATE RIGHTS AT CENTER DISCIPLINE COMMITTEE HEARING (RRC's)

Facility

When an inmate has been advised of the rights afforded at a Center Discipline hearing, but refuses to sign the acknowledgment, the following should be completed.

I have personally advised \_\_\_\_\_ of the above rights afforded  
Inmate's name and Register No. \_\_\_\_\_  
at a Center Discipline Committee hearing, however, the inmate refused to sign the acknowledgment.

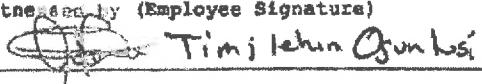
Signed: \_\_\_\_\_

(Employee's Typed Name)

(Date)

**WAIVER OF 24 HOUR NOTICE**

I have been advised that I have the right to have a written copy of the charge(s) against me at least 24 hours prior to appearing before the Center Discipline Committee. I wish to waive this right and proceed with the Center Discipline Committee hearing at this time.

Signed by:	Inmate Typed or Printed Name	Register No.
	Washington, Keith	34481-037
Date and Time Inmate Signed	Witnessed by (Employee Signature)	
1/11/21 0740		

PDF

Prescribed by P7331

# **EXHIBIT 11**

## **CENTER DISCIPLINE**

### **COMMITTEE REPORT FOR IRN**

#### **3466318**

BP-A0208  
JUN 10

## CENTER DISCIPLINE COMMITTEE REPORT (CCC'S)

U.S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF PRISONS

Name of Inmate	Register Number	Hearing Date
Washington Keith	34481-037	1/11/21
Date of Incident	Date of Incident Report	Prohibited Act(s) Code
1/10/2021	1/10/21	327
Summary of Charge(s) Unauthorized contact w/ the public		

## I. NOTICE OF CHARGE(S)

- A. Advance written notice of charges (copy of Incident report) was given to inmate on

1/11/2021 at 0734 by Timilehin Ac. in losi

- B. The CDC Hearing was held on 1/11/2021 at 10:00 am (Waived 24h)

- C. The inmate was advised of his rights before this CDC by Timilehin Ac. in losi on 1/11/2021 and a copy of the advisement of rights form is attached.

## II. STAFF REPRESENTATIVE

- A. Inmate waived right to staff representative:  Yes  No  N/A

- B. Inmate requested staff representative and appeared.

- C. Requested staff representative declined or could not appear but inmate was advised of option to postpone hearing to obtain another staff representative with the result that

## III. PRESENTATION OF EVIDENCE

- A. Inmate has been advised of his right to present a statement or to remain silent, to present documents, including written statements of unavailable witnesses, and for relevant and material witnesses to appear in his behalf at the hearing.  
 Inmate admits/denies the charge(s). He stated he was exercising his right to free speech and to contact media. He stated he knew he couldn't take a picture of Geo reporters & media. Tim Redmond is a friend. Not just a reporter

*Admits as it should be IR*  
 Summary of Inmate Statement: Inmate said his support & family are all reporters & media. Tim Redmond is a friend. Not just a reporter

## Witnesses:

1. The inmates requested witnessess:  Yes  No

2. The following persons were called as witnessess at this hearing and appeared:

Inmate said he would agree by phone rules but would be appearing.

3. A summary of testimony of each is attached:  Yes  No  N/A

4. The following persons requested were not called for the reason(s) given:

5. Unavailable witnessess were requested to submit written statements and those statements were considered:

Yes  No  N/A

- D. Documentary Evidence: In addition to the Incident Report and Investigation, the Committee considered the following documents:  
 Phone records / Cell phone files signed by Washington

- E. Confidential information was considered by the CDC and not provided to inmate

Yes  N/A  N/A

BP-E208 (Continued)

**IV. FINDINGS OF THE COMMITTEE**

- a. The act was committed as charged.
- b. The following acts were committed:
- c. No prohibited act was committed. (Expunge according to your Standard of Work.)

**V. SPECIFIC EVIDENCE RELIED ON TO SUPPORT FINDINGS**

Reviewed phone records

Reviewed phone rules signed by Washington

It is evident Washington sent info to reporter regarding faculty information without authorization

**VI. SANCTION RECOMMENDATION**

Loss of phone for 30 days—

**VII. REASON FOR SANCTION RECOMMENDATION**

It is evident Mr. Washington broke a rule and will be accountable for containing unauthorized public.

**VIII. APPEAL RIGHTS**

The inmate has been advised of the findings, specific evidence relied on, action and reasons for the action. The inmate has been advised of his right to appeal under the Administrative Remedy Procedure or by letter within 20 days of the imposition of the sanction to the Regional Director. A copy of this report has been given to the inmate.

**IX. DISCIPLINE COMMITTEE**

Chairperson	M. Richard Marie	Member	Member
Ricard			

**X. ACTION BY DHO**

DIRECTED TO D.A.C. C.G.C.  
50 DAYS LOSS PROPERTY COMPROSE.

Typed Name/Signature - DHO

11521  
DHO